

November 3, 2009



TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

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COUNCIL PRESIDENT ANDREWS:

Good morning, everybody, and welcome to a session of the County Council. We're glad to see you, and we have a lot on our agenda this week and in the coming weeks as well as we do the people's business here. First, on a sad note. I want to acknowledge with deep regret that the son of delegate Sheila Hixson, Colonel Todd Hixson, 50 years old, died unexpectedly on Sunday, November 1. And our condolences go out to Delegate Hixson and her family on this terrible loss. We're going to begin the session with an Invocation by Rabbi Stuart Weinblatt of B'nai Tzedek of Potomac and very glad to welcome Rabbi here.

RABBI STUART WEINBLATT:

Thank you.

COUNCIL PRESIDENT ANDREWS:

And please join me in standing for the Invocation.

RABBI STUART WEINBLATT:

Thank you, Chairman Andrews. And if I can just add a personal word, just what both an honor it is to be able to be here to offer this prayer and to know so many of the members of the Council as friends. And so, I appreciate that. We take a moment before deliberating over matters great and small in order to start our day with a moment of prayer. We do so, O God, so that we may bring a sense of humility to that which as we are about to do. We, the citizens of this great county, look to you, the leaders, to guide us--to guide us through challenging economic times as we struggle to care for our citizens, as you grapple with the conflicting just demands for limited resources, and you, the members of the Council, in turn, look to a power beyond any one of us. And so we pray. We pray that our elected officials may continue to find the wisdom and the fortitude, the courage, and the strength to act wisely on our behalf. We pray that the actions and the decisions that are to be made shall be just. May they be tempered by mercy and compassion. And may the members of this Council always be cognizant of a greater being in the universe, greater than any one of us who inspires and guides us, to whom we all are ultimately accountable so that we may act with justice. For in so doing, may each of us reach the good in all of us and aspire to deliberate on your behalf, and let us say Amen.

UNKNOWN SPEAKER:

Amen.

RABBI STUART WEINBLATT:

Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Rabbi.

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RABBI STUART WEINBLATT:

Thank you.

COUNCIL PRESIDENT ANDREWS:

We're now going to have a presentation of a joint proclamation in recognition of Pancreatic Cancer Awareness Month. And the County Executive Ike Leggett is going to join us for that presentation. I want to invite up to the front Mary Zapor and Marsha Garil and Janice Walden????? to help participate in the ceremony. And, uh... Good morning. Very good. One of the great pleasures of serving on the Council is recognizing outstanding work that is done in our community by volunteers and leaders of many organizations. And one of the major challenges we have in the county is educating people about the need to be aware of pancreatic cancer and how to try to prevent it through early detection and treatment. I'm joined today by Janice Walden?????, who is a local supporter of the organization, and Mary Zapor and Marsha Garil, who are the co-coordinators of the National Capital Area Affiliate of the Pancreatic Cancer Awareness Network. And I'm joined by the Chair of our Health and Human Services Committee on the County Council, George Leventhal, and by the County Executive. And I'm going to ask the County Executive to join me in reading this proclamation to the organization. And I'll ask the County Executive to start so I can put my glasses on and...

ISIAH LEGGETT:

First of all, I'd like to also acknowledge and thank all of you for your tremendous work and the volunteer spirit that we have in Montgomery County on this very, very hard and difficult issue for so many of our citizens. Just last week, I had an opportunity to participate in Cancer Awareness Month and was a guest bagger at the Safeway stores that are actually out helping to raise monies as well. So, we're going to start a proclamation, Montgomery County, Maryland. "Whereas pancreatic cancer is one of the most serious, undetectable and aggressive forms of cancer; it is the fourth-leading cause of cancer-related deaths, men and women, in the United States and takes 80 lives in Montgomery County every year, and...

COUNCIL PRESIDENT ANDREWS:

Over 42,000 estimated new cases will be diagnosed this year of pancreatic cancer in the United States with approximately 690 occurring in Maryland. And the 99% mortality rate for this disease is the highest of any cancer.

ISIAH LEGGETT:

There are currently no definitive early detection methods and limited treatment options for pancreatic cancer. And by the time symptoms present themselves, it is too late for a positive diagnosis, and the average survival after diagnosis is only 3 to 6 months, and...



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COUNCIL PRESIDENT ANDREWS:

And whereas pancreatic cancer does not discriminate by age, gender, or race and only 5% of patients will survive beyond 5 years, and...

ISIAH LEGGETT:

Whereas Pancreatic Cancer Action Network, Incorporated (PANCAN) a national advocacy organization for pancreatic cancer patients will promote pancreatic cancer awareness in the month of November in order to educate communities across the country about the disease and the need for research, funding, and early detection methods, effect treatments, and previous programs...

COUNCIL PRESIDENT ANDREWS:

Now, therefore, do we, Isiah Leggett as County Executive and Phil Andrews as Council President hereby proclaim the month of November 2009 as Pancreatic Cancer Awareness Month in Montgomery County. We encourage all our residents to join us in raising public awareness concerning this crucial health issue and extending our support in the battle against pancreatic cancer in our own community and throughout our nation." Signed by County Executive and myself and presented this day.

ISIAH LEGGETT:

Congratulations.

COUNCIL PRESIDENT ANDREWS:

Thank you all.

MARSHA GERIL:

Hi. We certainly would like to thank County Executive Leggett and all of the Councilmembers, Mr. Andrews particularly for this very nice proclamation. We appreciate and are very glad that our elected officials are recognizing this very important and very deadly disease. It is the most deadly of all cancers. And unlike every other of the 4 leading causes of cancer death, there are no early detection tests. Therefore, the symptoms are also very nonspecific, which is why most patients are diagnosed with metastatic disease. And once this cancer has gotten out, it is very, very difficult to contain. That is why the disease is as deadly as it is; we lose 75% of patients in the first year. And in the next 4 years, we lose 20% more. And the really sad fact is that this year the estimated number of diagnoses went up 15% over last year. This is not a disease we want to grow at the rate of 15% a year. If any of you out there have the misfortune of either knowing someone who has been diagnosed with the disease or perhaps yourself has been diagnosed, you are welcome to call PANCAN. It's a toll-free number at 1-877-272-6226. And also the web site is www.pancan--p-a-n-c-a-n.org And we thank you again.

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COUNCIL PRESIDENT ANDREWS:

What are some of the symptoms that we--

MARSHA GERIL:

OK. Let me pull out the information sheet so that I don't miss one. The vague symptoms are-- the one that most people, frankly, present with is either unexplained weight loss or jaundice. Those are the two that are very telling. And if anybody--loss of appetite, nausea, change in stools--if the stools float, they get lighter in color. And also, people who have had diabetes should be more aware of the fact that they are at higher risk. Just how much higher, I don't think anybody can really tell for sure at this point. But if you do have diabetes, you should be particularly careful and be aware if any of these symptoms come and they just don't go away. Go to your doctor and tell them you'd like to have further reassurance that this isn't your problem.

COUNCIL PRESIDENT ANDREWS:

Thank you. All right, I think that the hardest part now is to all get in the same pictures. So, we're gonna move the mike and... PHOTOGRAPHER:

That was pretty good. Thank you.

COUNCIL PRESIDENT ANDREWS:

Our second proclamation presentation will be proclamation recognition of Germantown Help, Gaithersburg Help, Damascus Help, and WUMCO. And Councilmember Knapp is doing the honors, and I'm going to join him at the front as well.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I would ask Cindy Majane from Germantown Help, Jane Stearns from WUMCO, Pastor Mary Beth Lawrence from Gaithersburg Help, and Rita Noble from Damascus Help to come join me up here in front. Um... As we approach the holiday seasons, we all are aware of many people who have had difficult issues over the past couple years as the economy has continued to worsen. And there are a lot of organizations in our county who are focused on trying to, at least, lessen the burden for as many families as they can in whatever small ways that they can. And so we're aware of that, but in particular in the upcounty, these 4 institutions--Gaithersburg, Germantown, and Damascus Help and WUMCO--are made up of groups of volunteers who toil in fairly relative obscurity to make sure that families throughout the upcounty have access to food, have access to some financial assistance, sometimes some prescriptions, prescription assistance. And I thought it was a good time to be able to bring attention to these very important organizations, but also to remind our residents of the need for all of us to think about those less fortunate to make sure that we are looking to provide food where we can, donations where we can, to make sure that we can, at least, through the holidays and

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through these cold winter months provide as much as we can for those who are suffering the many issues that they have no control over. And I have a personal fondness, in particular, for the Help organizations. About 11 years ago, when I moved to this area, I was looking for a volunteer opportunity, and I saw in the paper that Germantown Help was gonna have a board meeting. And so I showed up at a woman's living room to figure out what I could do to volunteer, at which point she said, "OK, I'm done. We're no longer running the operation, so unless some of you who actually showed up at this meeting--" and I think there were 4 of us in the room that night--"want to take over the organization, there is no Germantown Help anymore." So, fortunately, one of the women sitting at the couch to my left said, "Oh, OK, I'll do that." And so I helped, but it struck me at that point just how tenuous these volunteer organizations can be. And but for the 4 individuals that you see here and the network that they have, many folks in our county would be suffering even more with much less than they currently have. So I want to take an opportunity to recognize what these 4 individuals do every day but also the volunteers in their organizations and to remind everyone that now is the time to be thinking outside of yourselves and look to see what we can do for the broader community. Even though we may not be doing as well as we can, there are probably many others who are doing much less than we are and need our assistance, and to keep that in mind during the coming months. So, I have a proclamation. I have one for each of you. And I'll read the proclamation with the Council President and then have each of you make any remarks that you may choose to at this point in time. "The County Council of Montgomery County, Maryland, Proclamation. Whereas the County Council and the residents of Montgomery County honor outstanding service organizations that help the needy such as Damascus Help, Gaithersburg Help, Germantown Help, and WUMCO, and applaud their ongoing service and commitment to upcounty communities. And whereas these organizations have been focused on meeting the needs of the communities for decades, some for as long as 40 years, more than 9,000 families have been assisted by these organizations in 2008 alone, receiving daily substance, guidance, and support, help with transportation, referral assistance, home food delivery, coordinating donations, taking part in holiday festivities, and home food deliveries. And whereas without the efforts from these organizations and the volunteers to coordinate and donate their personal time, these critical needs would not be met. Volunteers in these organizations dedicate themselves year-round to providing guidance, assisting those in need, participating in events, and serving their community. And whereas these organizations are a pivotal part of our community and without their assistance the county would not as effectively respond to those in need. And whereas we applaud and recognize these tireless efforts in helping neighbors, friends, and those families that rely on unselfish actions and goodwill, now therefore be it resolved that Montgomery County Council supports and recognizes Damascus Help, Gaithersburg Help, Germantown Help, and WUMCO for the continual efforts. Presented on this third day of November in the year 2009, Phil Andrews, Council President."

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COUNCIL PRESIDENT ANDREWS:

Good job. Thank you very much for your-- I would just add that you're helping to ensure that the county has a strong safety net for those less fortunate. And we have had a year where more and more people have needed emergency assistance because of the severe recession. So, thank you for helping to keep that safety net strong in our county. And now I think--are we gonna try to...would you like to... I'm just gonna take it off. How is that? There we go.

CINDY MAJANE:

Oh, OK. Well, thank you very much for inviting us here. I know at Germantown Help, we've actually had a very hard last two years. Our food requests started to escalate before the economy technically started to go downhill. And we sensed that it wasn't going to get better anytime soon. So, we've tried to be prepared for it. We have already 1,000 households in the Holiday Giving Project just from Germantown alone. But we expected that, too, so we're looking to get as many donations and support as we can from our community. In the past, the community has always come forward, and I'm sure it will again.

COUNCILMEMBER KNAPP:

Thank you, Cindy.

JCINDY MAJANE:

Thank you.

JANE STEARNS:

First of all, thank all of you for this. We really appreciate it at WUMCO, which stands for Western Upper Montgomery County. It covers the zip codes of Poolesville, Beallsville, Barnesville, Dickerson, and Boyds. And it's pretty rural up there, although I haven't seen a dinosaur in quite some time. We're what I call "full service." We help with rents, utilities, mortgages, prescriptions, food, sometimes car repairs, medical transportation, and holiday baskets. And the holidays are coming up, so we hope everyone will contribute to that so we'll be able to take care of all the families who are getting onto an ever-expanding list. Meantime, thank you again, and I said I'd keep it short.

COUNCILMEMBER KNAPP:

You did fine. Thank you.

RITA NOBLE:

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Well, Damascus Help thanks you very much. And we have been helping our neighbors for 40 years. And I accept this on behalf of all the volunteers at Damascus and our community who has been very supportive. And we have seen an increase of people needing financial assistance and food. And our community has come through wonderful on that. And I just think for all the volunteers in the whole county, we need more volunteers. There's a great need out there, and we'd appreciate anybody who has the time to come out and volunteer with all of us.

COUNCILMEMBER KNAPP:
Thank you very much, Rita.

MARY BETH LAWRENCE:
I'm Mary Beth Lawrence, President of the Board of Directors for Gaithersburg Help. And I want to thank you, Councilman Knapp and President Andrews for this proclamation and join my sisters and fellow co-workers here in giving thanks for the people in the county who are so generous with their time and their donations. I think we've all been affected by the economy. And a lot of people have discovered that they are not able to give financially in the ways that perhaps they were accustomed to. But all of us can give food. All of us can give our time. All of us can give other forms of assistance that truly make a difference for people who don't have very much at all. So, I do want to thank you for this proclamation and celebrate this holiday season with thanks for all that this county does for the least of these.

COUNCILMEMBER KNAPP:
How can people--

MARY BETH LAWRENCE:
Well, my name is Mary Beth Lawrence. Besides being the President of the Board of Directors of Gaithersburg Help, I'm also an Associate Pastor at Gaithersburg Presbyterian Church. So, call me there, and I'll sign you up for help. I promise not to sign you up for the church unless you're Presbyterian. And we would love to have you come on board with Gaithersburg Help. We are an all-volunteer organization. We have zero paid staff. So, every dollar that is donated to Gaithersburg Help goes directly to client services, and we are grateful for that.

COUNCILMEMBER KNAPP:
Pass that. How can we contact each of your organizations?



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CINDY MAJANE:

We all have, actually, pretty good web sites --Gaithersburg Help, WUMCO, and Damascus Help, as well as GermantownHelp.org So if you need our information, you can go to the web site and get the phone numbers and contact information that way.

JANE STEARNS:

WUMCO has one part-time paid employee. She does all the work. Ha ha! In fact, someone called the other day and I didn't know the answer, and I said, "Well, you'll have to wait till Renee???? comes in, 'cause I'm the director and I don't know as much as she does." OK. Yeah.

RITA NOBLE:

Well, you can contact Damascus Help at (301) 253-4100, or go to our web site Damascushelp.org.

COUNCIL PRESIDENT ANDREWS:

Thank you, everybody. And we're now going to move on to general business, announcement of the agenda and calendar changes. Miss Lauer.

LINDA LAUER:

Good morning. We have an additional item for the consent calendar, and it's action to appoint a special counsel to provide legal services to represent Montgomery County in Springfield, Illinois. Another change this afternoon-- one of our 1:30 public hearings has been postponed. It's the one on the resolution to adopt Board of Health regulations requiring health impact assessment for major road projects. We're postponing that to November 17 at 1:30.

COUNCIL PRESIDENT ANDREWS:

All right, thank you, Miss Lauer. And there are no petitions for this week. OK. Next item is Item C, action approval of the minutes of October 20 and 22, 2009 and approval of closed session minutes of October 20, 2009. Is there a motion for approval?

COUNCILMEMBER TRACHTENBERG:

So moved.

COUNCIL PRESIDENT ANDREWS:

Moved by Councilmember Trachtenberg. Second by Councilmember Knapp. All those in favor of approval of the minutes of October 20 and 22 and the closed session minutes of October 20, 2009, please raise your hand. And that is unanimous, 9-0. We'll now move on to the consent calendar. Is there a motion for approval?

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COUNCILMEMBER KNAPP:
So moved.

COUNCIL PRESIDENT ANDREWS:
Moved by Councilmember Knapp.

COUNCIL VICE PRESIDENT BERLINER:
Second.

COUNCIL PRESIDENT ANDREWS:
Second by Council Vice President Berliner. Are there any comments on the consent calendar?

COUNCILMEMBER ERVIN:
Yes.

COUNCIL PRESIDENT ANDREWS:
Yes, all right. Councilmember Ervin.

COUNCILMEMBER ERVIN:
Item G. I just want to have an explanation of what that is all about.

COUNCIL PRESIDENT ANDREWS:
OK. All right. That... I read it, and it requires--the reason that a special legal counsel is being appointed is because there's a case that's involving our Office of Consumer Protection that is involving-- that's before a court in Illinois. And the county does not have any lawyers that are certified to practice in Illinois. So, we're hiring special counsel--or the proposal is to hire special counsel to defend the county in Illinois against a claim that, um... it makes clear that we expect to win, but that we need to be there in order to assure that outcome, or at least to make that outcome more likely. So that's the reason, according to the memorandum. I don't actually have more information than that, but I do see Mark Hansen here from the Office of the County Attorney and he could probably add to that.

MARK HANSEN:
There is really very little to add. We don't believe that the Illinois courts have jurisdiction in this matter, nor do we believe there's any liability involved, but we do need to file something to ensure that the Illinois courts do dismiss this claim.

COUNCIL PRESIDENT ANDREWS:

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Do you want to mention what the case is briefly, or...

MARC HANSEN:

No.

COUNCIL PRESIDENT ANDREWS:

No. OK. All right, that seems fairly pro forma. That's the issue. OK. I'll mention that Item B is--the Public Safety Committee had a meeting about the Office of Legislative Oversight's report on transit-related crime in Montgomery County. We had a good meeting with representatives of the different public safety agencies including Metro. And the bottom line is that our Metro stations are very safe overall, but that we want to make sure that they stay that way and that we continue to track if there are any trends in terms of increases in crime at Metro stops, Metro stations. So, we have asked that there be a report provided to us on a semi-annual basis about trends of crime at Metro stations, and that's what this action will do. I don't see any other comments, and so with that, I think we're ready to vote on the consent calendar and thank the Office of Legislative Oversight, who I see represented here today, for their good work. And with that, all those in favor of the consent calendar, please raise your hand. That is unanimous. So, the consent calendar is approved, 9-0. We'll now move on to District Council Session, Item 3. And that is an action on Resolution to approve use of the Advance Land Acquisition Revolving Fund (ALARF) for acquisition of real property, Jo Anne Morris, trustee property in Derwood. And that is, again, Item 3 on the calendar. I think that--does PHED have a comment on this?

COUNCILMEMBER KNAPP:

It came straight to Council.

COUNCIL PRESIDENT ANDREWS:

OK, all right. So, is there any discussion of the issue at all? OK. Seems straightforward. It would purchase the only nonpublic property along the Rock Creek Stream Valley Park, is my understanding. So, that's what this is about. And if there are no questions, then we're ready for action on it. This is a majority vote. I don't believe that requires--need a motion. All right, who would like to move?

COUNCILMEMBER KNAPP:

So moved.

COUNCIL PRESIDENT ANDREWS:

Moved by Councilmember Knapp. Seconded by Councilmember Navarro. And I believe this is not a roll call. All right. So, all those in favor of Resolution to approve the use of the Advance Land Acquisition Revolving Fund for acquisition of this property, as specified in Item 3, please raise your hand. That is unanimous, I believe. No. I'm sorry. OK. That is

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Councilmember Navarro, Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin. And opposed? Councilmember Leventhal opposed. OK. So, that's 8-1 on Item 3. OK. Next item will be our Legislative Session, day number 41. We have several bills for introduction. First is Item 4 on the agenda, Bill 36-09, Elected Officials-Compensation, sponsored by the Council President at the request of the committee to study compensation of the County Executive, County Council, Sheriff, and the State's Attorney. A public hearing is scheduled for November 24 at 1:30 in the afternoon. And without opposition, that bill is introduced. Next is Item 5, Bill 37-09, Contracts and Procurement-Equal Benefits, sponsored by Councilmember Navarro and a number of other Councilmembers. I believe that Councilmember Navarro will likely want to make a comment about the measure, so I will turn to her and anyone else who would like to comment. We have a public hearing scheduled for December 1 at 1:30 on the measure. Councilmember Navarro.

COUNCILMEMBER NAVARRO:

Thank you, Council President. Yes, indeed, we had a press conference yesterday. I appreciate the support from my colleagues as well as the support from the Executive regarding this bill. In a nutshell, it will require county contractors and subcontractors to provide equal benefits for a domestic partner of an employee working on certain county contracts that the contractor or subcontractor provides for an employee's spouse. And basically, those contracts are subject to the county's prevailing wage law. Our county's wage requirements law would be subject to this new requirement. As stated yesterday very eloquently by many of my colleagues, really, it's just simply a logical step in a subject of fairness, especially during this difficult economic time. I think that as we provide this to our employees, it would be great to be able to provide this to those who are working very hard to provide services under county contracts. So, that's the gist of the bill, And I believe there is a hearing set for December 1.

COUNCIL PRESIDENT ANDREWS:

Yes, December 1 at 1:30 in the afternoon, and thank you for your leadership, Councilmember Navarro.

COUNCILMEMBER NAVARRO:

Thank you.

COUNCIL PRESIDENT ANDREWS:

All right, without introduction, that bill is introduced. Without opposition, that bill is introduced. Bill 38-09, Growth Policy Amendment, sponsored by Councilmembers Floreen and Knapp. A public hearing is scheduled for December 1, also at 1:30. Are there any comments on the measure? Councilmember Floreen?



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COUNCILMEMBER FLOREEN:

Thank you. This is a product, really, of PHED committee conversations and response to the public hearing testimony that we had on the growth policy, where we realized that the terminology we were using encouraged people to believe that they were addressing Master Plan issues and the pending zoning rewrite issues in the course of the public hearing on the growth policy. So, this is basically a cleanup. I think Mr. Elrich would like us to go farther at a later point in terms of reviewing the bidding for all of this, but again, this is just really technical changes we think would add some clarity and help the public participation to be more effective and on point.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen. Without opposition, that bill is introduced. We now move on to Item 7, Expedited Bill 39-09, Property Tax Credit-Renewable Energy-Annual Aggregate Limits, sponsored by Council Vice President Berliner. Public hearing is scheduled for November 24 at 1:30. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

My colleagues, this measure really is an outgrowth of the measure we passed previously, which allocated \$250,000 each to solar energy and to energy conservation. The reality is that we are oversubscribed on the solar piece all the time and currently undersubscribed on the energy conservation piece. So, this merely shifts the dollars accordingly so that we can give more relief to those people who seek our \$5,000 solar tax credit and makes those dollars available, whereas today, they are not and on a waiting list, et cetera.

COUNCIL PRESIDENT ANDREWS:

OK, thank you very much for that very concise explanation. And again, a public hearing will be on November 24 at 1:30 on that measure. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

Yeah, I just want to say I appreciate what Mr. Berliner's trying to do here. I'm also concerned that the county ran out of money 3 months into the fiscal year for the Clean Energy Rewards Program. And I would hope that-- I assume this will come up in the T&E committee. I would hope we could discuss that as well. I'm supportive of what Mr. Berliner's trying to achieve, but all of these programs ran out of money very quickly, which I suppose is a good thing, but we need to at least address our marketing strategy because if-- I know that fiscal times are hard, but we still have information up promoting these programs. And if our residents apply for them, they will find out that they can't get them. So, at a minimum, we need to have the discussion that says like..."Participation is limited" or something. The marketing needs to be more candid than it is today, because I think

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we're misleading our residents into thinking that these benefits are going to be available when the money runs out so quickly.

COUNCIL PRESIDENT ANDREWS:

Yeah. Clearly, there's a limited amount appropriated each year, and so it's not an entitlement. It's a first-in, really, on this. But my understanding of what the Council Vice President was proposing is to keep the amount the same in the total for the two programs but to shift more toward the solar energy projects and away from energy conservation projects, because there's been more demand for the solar energy products, at least so far. But I think Councilmember Leventhal's point is excellent that we need to be very clear to the public that the funds are not unlimited and once it's used up for the year, that's it. Thank you. All right. Without opposition, Expedited Bill 39-09 is introduced. Next, call the bills for final reading. We have one measure--Action on a resolution to extend the expiration date until November 30, 2010 of Bill 15-08, Building Permit-Notice. Are there any comments on this measure? Seeing none, we're ready to vote. All those in favor of the resolution--I need a motion. Who would like to move?

COUNCILMEMBER ERVIN:

Second.

COUNCIL PRESIDENT ANDREWS:

Moved by Councilmember Navarro, I think, and seconded by Councilmember Ervin. All those in favor of the resolution to extend the expiration date until November 30, 2010 of Bill 15-08, Building Permit-Notice, please raise your hand. That is unanimous. So that is adopted 9-0. That does it for our Legislative measures today, and we're gonna now move into an update on the restructuring plan for Parks and Recreation and then into a continuation of the semi-annual report that we began a couple weeks ago with the Montgomery County Planning Board. I see that Marlene Michaelson and Craig Howard have joined us from our staff. And we have Gabe Albornoz from the Department of Recreation, the Director, and Mary Bradford, the Director of Parks for the Montgomery County Park and Planning. So, welcome everybody. Please go ahead and introduce yourselves as well so people can attach a voice with you and then I'll turn it over to you for the update on the restructuring plan for Parks and Recreation.

CRAIG HOWARD:

Craig Howard from the Office of Legislative Oversight.

MARLENE MICHAELSON:

Marlene Michaelson, County Council staff.

GABRIEL ALBORNOZ:



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Gabe Alborno, Recreation Department.

MARY BRADFORD:

Mary Bradford, Director of Parks, Montgomery County.

COUNCIL PRESIDENT ANDREWS:

OK, good to see you all. And who would like to summarize? Or would--Councilmember Knapp, would you like to...

COUNCILMEMBER KNAPP:

I will. Let me give a quick overview, and then I will turn to Gabe and Mary to just walk us through kind of the practical elements of what it is that they're doing. Last January, Office of Legislative Oversight presented a report at the request of Councilmember Elrich looking at what the organizations--any overlap between the organizations of Department of Parks, Department of Recreation and seeing if there were efficiencies that could be generated, if there were programs that could be improved upon. And it was a very good and very thorough report. As a result of that, the PHED committee had a number of meetings in the spring looking at this issue. And we asked Parks and Recreation to go and determine--looking at various alternatives, would it make sense to look at consolidation of Parks into Rec, put Rec into Parks, of connecting programming better but keeping the entities separately held. And what was put together was a work group that met through the summer culminating in a series of recommendations that they came out with on October 1, which the committee then addressed at their October 8 work session, looking at ways in which we would continue to have a Department of Recreation and a Department of Parks, but where there were a lot of synergies that could be created as a result of working more closely together. In the nineties, there had been a Memorandum of Understanding that had been put together between both these departments that had kind of fallen by the wayside. And I think in the course of our looking at this, they recognized that there were clear areas where they should and could be working more closely together and kind of dusting off the MOU, saying, "How do we exist as a framework and what other things should we be doing?" I think that the committee was rightly concerned that if we had an MOU before and it kind of went away, how do we not have the same situation happen again? And I think you always run that risk, especially when you're having this kind of conversation that's predicated on having two leaders and two managers who will be leaders and managers for the foreseeable future but could change, and then the focus isn't the same. So, I think that's a challenge. I think one of our real objectives, and I think one of the objectives on the part of both of the Departments' directors is to come up with a way to make sure we can institutionalize as many of the efficiencies and synergies as we possibly can. And so, I think that the efforts that each of them undertook over the summer was productive. And what I'd like to have them do is kind of walk through some of the

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practical applications as to what it is that they think they'll be doing more closely together and why those are good things.

GABRIEL ALBORNOZ:

Well, first of all, that was obviously a great overview. This was a very valuable process. And we set out, as we began this process, to make sure that we provided recommendations that were doable, especially based on the limitations regarding the budget challenges that both agencies are facing in the near future. We wanted to make sure that the recommendations were institutional so that we wouldn't have to have this exact same conversation 5 years from now. And we also wanted to take this opportunity to learn from each other, create some goodwill, and we accomplished all of those things. And we do, both of us, commend our staff for working very hard through the busiest season for both agencies and came up with recommendations that accomplished those objectives. We split up our work into 4 categories, the first being programming, the second being technology, the third being marketing and public relations, and the fourth being facilities. And we also worked with colleagues and other county agencies on this effort as well to make sure that we would provide a well-rounded report. I'll just highlight some of the elements, starting with programming and then turn it over to Mary to tackle the next series. We've given a number of these presentations together, so I think we can work off of no notes--but programming. Very simply, that was the scope of the work before us and the major push to see what we could accomplish to increase efficiencies, eliminate some of the overlap, and make sure that we provided stronger customer service to county residents. And so we analyzed up and down the programming efforts and built off of the very good report that was done by our colleagues at OLO and, I think, basically came up with a primary recommendation to form a joint programming alliance. And that alliance will be meeting actually very shortly, and through that work, we've already identified some programs that will be transferred amongst each agency. But what we did find through this work is that while there is some overlap, and there certainly should have been better coordination, there isn't a tremendous amount of duplication. And the reason for that is because most of the programs that each agency offers are specific to the facilities that we actually manage. And so, for example, the Department of Recreation doesn't offer as much tennis because we don't have tennis facilities. We don't offer ice skating because we don't have skating facilities. And so we did identify some programs to transfer, mostly sports-based programs, that sort of thing. But this joint alliance will be meeting on a quarterly basis, and if necessary beyond that, to better strategically plan and coordinate programs moving forward for things as simple as mass ordering of T-shirts, but also to make sure that strategically our pricing is aligned and that we offer programs that complement each other.

MARY BRADFORD:

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As part of that coordination effort, we looked at how we could improve our joint marketing of events where we participate jointly. And that's where we found an awful lot of savings. The Department of Recreation had not had the opportunity to develop a marketing arm at all. We'd had the joint guide for a number of years, but we have been able to work with them to create some additional resources that we could bring to those programs that we work with together on such as various fairs, particularly outreach into communities that normally don't get a lot of the information about the programs that each of us offer. And so we have a stronger marketing component related to our enterprise facilities, and we have committed to making that available and working very closely with the Department of Recreation. And we've already had many successes in that kind of joint marketing approach. And related to that, we talked about how, as part of the marketing, we could use technology better and make the registration process more seamless for the user. They shouldn't have to guess what agency offers what program. We should provide some sort of united front that allows people to access and hopefully, maybe, eventually access programs that are available throughout the county, outside of our two agencies, that the consumer might want to use. Gabe could probably explain a little bit more about that technological piece.

GABRIEL ALBORNOZ:

So, we studied--both organizations utilize something called class software, which is the software that's utilized most in the Parks and Recreation industry across the country. And so, we tried to figure out a way to bridge that particular software in such a way that participants, customers, would only need one registration number to navigate both systems. Unfortunately, what we found in our research and due diligence was that class software has not caught up to a point that we can easily do that without building something from scratch which would have a significant price tag of multiple millions of dollars, which right now, given the current budget situation, is not realistic. Something we should look forward to in the future, but not right now. So, we did, however, come up with a recommendation to better utilize each other's web sites and a shared portal system that would make it much easier to navigate each other's web sites so that if you're on the Recreation's web site, you could easily click on something and then immediately get to a Parks link or vice versa. And so while that particular application does have a cost to it, we're holding off a little bit until we go through the county's ERP process to see if that may actually end up serving as the technology vehicle that we use to improve customer service.

MARY BRADFORD:

And the final area we looked at was facilities. We took a look to see if the facilities were properly aligned with the agencies. There hadn't been a lot of--we were a little concerned about "mission creep," that maybe we were getting into each other's areas of expertise. And we noted, for example--we identified a couple of easy targets. We have hundreds of

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ball fields. The Recreation Department has 6. We talked about moving some of those and their associated revenues and maintenance costs in the Department of Parks. And we have other areas--we looked at the Splash Park. We looked at some others where Recreation does more of that kind of thing and doing some kind of a swap. That's the one part of the report where we're still trying to get some data because depending on how they were purchased or financed or depending on what the maintenance costs are, we want to make sure that it's a quid pro quo. In an economy where we were more certain that we would have the resources to pick up anything without worrying about it, we're kind of watching those nickels and dimes and making sure that we're both left in a position where we can manage efficiently and most effectively. And that part of the analysis will go forward through the winter as we get more data from DGS and get more information about what those costs really are for the maintenance of those facilities. And those are essentially the 4 areas we looked at: technology registration, marketing--

GABRIEL ALBORNOZ:
Programming.

MARY BRADFORD:
Programming and facilities. And as a result of that, I think we've found a lot of areas we could do a lot better working together. We recognize that we have been partners all along and have to acknowledge that. Our Park Police, for example, patrol those centers that are on park property. And we talked, for example, about the silliness of having a contractor that maintains parkland or our staff maintaining parkland up to a point, but from the sidewalk in the Recreation Department having to do that. This is part of the change that we're proposing in this report and part of the change that the PHED committee accepted and is bringing to you today. So, thank you very much.

COUNCILMEMBER KNAPP:
Thank you. See if Craig or Marlene have anything. OK. Any Councilmembers have questions?

COUNCIL PRESIDENT ANDREWS:
Councilmember Leventhal has his light on.

COUNCILMEMBER LEVENTHAL:
I do. Thank you. So, I recall a couple of years ago--first of all, it appears that this report represents a lot of time and effort and a very thoughtful approach and incremental approach, but I appreciate the work and the cooperation between these two different branches of government. A couple of years ago when OLO came out with its report, it was my understanding that Mr. Leggett was going to push strongly for merging Parks under

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the Department of Recreation. Do the findings of this work group, which endorse the status quo with some greater efficiency and better communication, do those now represent Mr. Leggett's view? Is he no longer in favor of merging Parks and Rec?

GABRIEL ALBORNOZ:

Good question. The County Executive did support and endorse this report and does feel at some later time when-- given the scope of this project we were just focused on programming--we should look at a full merger in either direction. But what was the scope of this--

COUNCILMEMBER LEVENTHAL:

I'm sorry, could you repeat that? He feels what? In the future what? Could you just repeat what you said?

GABRIEL ALBORNOZ:

In the future, there should be an analysis of a full merger in either direction; however, what we were looking at as the basis for this report was strictly the programming elements of both agencies. And when we started this process, we tried to figure out if there would be efficiencies to be gained by adopting the programming aspects of the Parks Department within the Department of Recreation.

COUNCILMEMBER LEVENTHAL:

So, the scope of this year-long effort, the issue of merging the two departments or merging Parks under one or the other department, that was off the table? That wasn't within the scope of what this work group looked at?

GABRIEL ALBORNOZ:

The scope of this particular work group is focused on programming.

MARY BRADFORD:

And associated restructuring that may add to efficiency. We were not--

COUNCILMEMBER LEVENTHAL:

I'm sorry. I just want to be clear, because I'm really trying to understand how this conversation played out. A couple of years ago, there was an active discussion. I had representatives of the Executive come meet with me and tell me, "Mr. Leggett's really interested in this." And so, there was a really in-depth dialogue over the course of a year, which was touched off by that effort. And yet, the most obvious answer, which would be some merger of the two departments, isn't addressed, and that was apparently off the table for this year-long work group. Am I correct?

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MARY BRADFORD:

We drew our instructions from the letter that we received from the members of the PHED committee, and they outlined specifically what they wanted us to look at, and those are the areas we followed through on: the technology registration piece, the marketing, the programming, and any facilities that could be transferred among us. That was the extent of the--I guess you might say merger option was to take a look at the facilities moving together. At least in our response to the County Council's request, that's what we prepared.

COUNCILMEMBER LEVENTHAL:

OK, so that was what the PHED committee asked you to do. The PHED committee didn't ask you to look into the merger of the functions?

COUNCILMEMBER KNAPP:

I would defer to the sponsor of the report. I think there was--

COUNCILMEMBER LEVENTHAL:

Because I know Mr. Elrich also had been interested in the merger.

COUNCILMEMBER ELRICH:

As tempting as that was, we settled with pretty much what Mary described at this point anyway was to look at programming and to decide whether the programming could be better consolidated in one place or another. And all the other issues that they've raised in this report, I'm not unsympathetic to doing something different, but that's where we agreed to go at this time.

COUNCILMEMBER LEVENTHAL:

OK, well, again, I appreciate the work that's gone into this. It is massively difficult to change the status quo in local government--unbelievably difficult to change the status quo. I'm brought to mind the dialogue that took place this morning between Mr. Knapp and the County Executive about reorganization. It would not appear that we're particularly interested in reorganizing county government. We've got some very significant budgetary challenges, and yet we seem to embrace the status quo at every opportunity. I don't mean to be critical, because the improvements you're suggesting sound valuable. They sound incremental. I noted Mr. Albornoz's comment that in the future we might ask the big questions. That's a big "might" given the unwillingness to ask the big questions in this exercise, the questions that were actually raised by OLO. I wouldn't hold out a lot of hope that big questions will be asked at any point now or in the future. I do have another question, if I could, and then I'll close out. With respect to marketing, I do think that in the discussion around the Sligo Golf Course one of the issues that we do need to look at is just that. Are we doing all that we can do in terms of staying competitive and attracting

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people to the facilities. I think one of the things that perhaps the revenue authority was not doing enough of was just that--communicating to people that this asset existed. So, in the course of that dialogue, it's been brought to mind that I think both of your departments can--and as you note, in your report--can really focus more on marketing and that that might end up generating more revenue, which would be good for all of us.

MARY BRADFORD:
Thank you.

COUNCIL PRESIDENT ANDREWS:
Thank you, Councilmember Leventhal. Councilmember Elrich has his light on, but I just wanted to note that Councilmember Elrich is the lead member for youth programs and, I would add, for programs for the young at heart, which he is a member of...still. And as you can see, he had a milestone recently. It was yesterday, and he celebrated with one of his favorite members of his generation--The Boss, Bruce Springsteen. I think George Leventhal--Councilmember Leventhal was there as well. So, congratulations on reaching this milestone. You're the first member of this Council to do so.

COUNCILMEMBER ELRICH:
Great. Ha ha! That feels really good. Ha ha!

COUNCILMEMBER KNAPP:
Somebody's always got to go first, and we're glad it could be you.

COUNCILMEMBER ELRICH:
It's kind of like the first time my grandkids said, "Can I call you Grandpa?" And it's like, "How about Marc?" Ha ha! Something about that. Nothing that it's not bad to be, but--

COUNCIL PRESIDENT ANDREWS:
And you don't look a day over 60. 60 maybe, but not a day over.

COUNCILMEMBER ELRICH:
Well, actually, now a day over.

COUNCIL PRESIDENT ANDREWS:
All right.

COUNCILMEMBER ELRICH:
I just wanted to comment on some of what George said, which I think was part of the genesis for what we were trying to do. And I think as we all know, most of where we spend our money here is in people, and the people deliver programs. And we were

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concerned that there was an overlap in program, but frankly, also, in how programs grew. And I think one of the things we're getting out of this is a commitment that neither side grows arbitrarily, that, in fact, new additional programs will come as a result of discussion between the two departments. And what had caused me some concern in the budget process was reviewing, for example, youth programs in the Recreation Department, then having a completely detached discussion about youth programs and recreation programming in the Parks' budget as if these two things never met each other. And I think that issue is being addressed. And if you agree that we provide basically the right mix of programming, the kids-- I wasn't looking to cut programs and get rid of things we do. I was looking to deliver them more efficiently. And if they've determined that they can deal with both overlap and growth out of this mechanism, it's not clear that a combination of the departments would result in any savings at this point, at least in that area. There are bigger areas to go fishing in that we haven't talked about. And they caused a lot of consternation in the community. The fear that you would turn the Parks over to the Executive and that management of parks would become an Executive function and disposition of parkland would become simply an Executive function raised a lot of concern in the community. I don't know that it would have saved any money in doing that, but it might have created a lot of anxiety out there. So, I think we focused on how can we deliver the most service with the fewest number of people. And I think that's what they've tried to address in the Rec program is how do you deliver the most service with the fewest number of people. And it's not clear that we'd extract much else, at least from simply merging those functions at this point.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Elrich, for pressing the issue and for staying with it. And thanks to the PHED committee and thanks to the meeting of the minds that obviously occurred about these changes. I've heard the presentation before, as well, and it's good to see the good collaboration between the two departments. So, good work and thank you for finding areas of agreement that can make a difference and bring some efficiencies, more effective service to our constituents and hopefully some cost savings as well. OK. All right. I think that's it for this item. Thank you. And we're now gonna go on to the continuation of the semi-annual report of the Montgomery County Planning Board. We are coming back to the revised Master Plan schedule, which is fairly pro forma, but just showing the new schedule, I believe, and then on to the Parks section of the report, which we didn't get to, which we want to make sure that we devote attention to.

MARLENE MICHAELSON:

And given the prior experience of the Council, the Director of Parks has asked that the Park issues go first--

COUNCIL PRESIDENT ANDREWS:



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OK.

MARLENE MICHAELSON:

To make sure we don't run out of time.

COUNCIL PRESIDENT ANDREWS:

That's a good strategy.

MARLENE MICHAELSON:

I think that's a good strategy, yes.

COUNCIL PRESIDENT ANDREWS:

Good strategy. All right. You've learned.

MARY BRADFORD:

We're all about strategy here.

COUNCIL PRESIDENT ANDREWS:

All right, so, Director Bradford. It's nice to see you at the opening of the new dog park at Cabin John with Council Vice President Berliner. It was very well attended. Lots of people and lots of dogs.

MARY BRADFORD:

Wasn't that fun?

COUNCIL PRESIDENT ANDREWS:

They all seemed happy.

MARY BRADFORD:

Wasn't that fun? Sort of like playgrounds for pets. And there's certainly a lot of demand for them. We know that for sure.

COUNCIL PRESIDENT ANDREWS:

There are. There is.

MARY BRADFORD:

Well, thank you, Mr. President, Councilmembers. I'm here to deliver the semi-annual report of the portion dealing with the Department of Parks in Montgomery County. With me here at the table is our Commissioner Marye Wells-Harley, who is sitting in for Chairman Hanson. Would you like to say a few words?

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MARYE WELLS-HARLEY:

Yes. Good morning to members of the Council. I am Marye Wells- Harley. I am your newest member of the Montgomery County Planning Board. Chairman Hanson could not be with you this morning. He had a family situation that he needed to take care of. He does anticipate being with you this afternoon. So we drew straws last night. I won. You lost.

COUNCIL PRESIDENT ANDREWS:

Ha ha! No, we know you are the resident expert on Parks on the board, given your experience.

MARYE WELLS-HARLEY:

I welcome the opportunity to sit in the big chair for a change.

COUNCIL PRESIDENT ANDREWS:

OK.

MARYE WELLS-HARLEY:

Before we get started, though, I would just like to thank you and compliment you for the sensitive way that you handled the continuation of the semi-annual report for the Parks Department. As a former staff person with Parks and Recreation, I know how sometimes you get involved in the weighty issues of planning, and Parks sometimes gets kind of squeezed into the middle. And that surely could have happened at our last meeting, but I applaud you for the way that you gave the additional time, because I think it is equally important that we hear about the wonderful things that are being accomplished. And we celebrate the accomplishments of the staff of the Parks Department here in Montgomery County. Before we get started with that, I would just like to announce to you that last month at our annual conference, the department was reaccredited. And having been a part of that effort when we received our original accreditation, I know that is a very, very arduous type process. I know the staff put a lot of work and effort into it. So I congratulate Mary, her staff, and the other members on this accomplishment.

COUNCIL PRESIDENT ANDREWS:

Congratulations. Thank you.

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MARY BRADFORD:

Thank you. I will say about the accreditation, it's not just a process you go through that yields no results. It makes you think critically about what you do--organize your thoughts, organize your strategy, organize your paperwork, and really look at all your facilities for how you could do better. So, it makes us a better agency by going through it. It was rigorous, but it was well worthwhile. So, in addition to that, we have a brief PowerPoint to go through. To my left is Deputy Director Mike Riley, and he's gonna jump in whenever he has something to say or to add to this. In the past 6 months-- first of all, we're gonna start out by telling you all the good stuff. We've improved Enterprise Division fiscal management. That's our next presentation, by the way. We're gonna get into that in a minute, but I'm very excited to say that we have broken through the barrier and that we anticipate for FY11 there will be no transfer from the Park fund to subsidize the Enterprise fund. If all things go as planned and nothing else blows down in the wind or anything else, that's--all our projections show that we're going to do that. And that's the first time in many years, and that's gotta be good news to you. And we're gonna get into that in a little more detail later. We've continued our measures to reduce energy consumption. You may recall at the last semi-annual we had a presentation that just focused on that. And we got a lot of good remarks from you. That gets tougher because costs are going up. But we continue to, at least, show reductions in our usage rate and increase our recycling rate. We successfully launched a community gardening program thanks to Councilmember Ervin and her pushing us into it. We moved that off the dime pretty fast. It's interesting that 6 months ago, we didn't have one, and now we do. And so, thank you for that. We completed our Parks and Recreation study. You just had a briefing on that. And we have been maximizing the impact of volunteers. As our work force stays flat or declines, we're really squeezing everything we can out of our volunteers and a lot of what we learn and do in our parks comes from their efforts. We've increased partnerships, grants, and donations. This is a real shining star. We have a total of \$458,152 in grants and donations. That's not chump change in this economy, and we're very grateful to that. It shows the value of having a dedicated donations and grants manager and a focused partnership program. We've enhanced revenues to offset costs. This is kind of code for we're charging people for stuff we used to give them free. So, if we provide support for one of their events and they're making money off it, we're charging them. And they're not going away. They're paying. We were kind of a free ride for a while. So, that's what that is. Reducing departmental expenditures. This is really tough, because we've had to freeze positions. And there are holes in the organization as a result. When you freeze an organization, you get kind of a Swiss cheese effect. And sometimes things are done right away, and sometimes they take longer. And it seems random, but it may be an effect of the freeze. Somebody's on vacation or gone or sick, and you feel the impact right away. Of course, we're doing what everybody else is doing. We're cutting or reducing training. We're looking for efficiencies in maintenance. But on the positive side, we're enhancing our opportunities for youth. We're doing what parks do in that area, taking a look at what

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parks can offer--youth and nature, getting kids out, reaching communities. We want to do a lot more of that. And this is the point, in times where we can't grow, where I feel the most constrained, I'll be quite honest with you. It's a bit like being a tiger in a cage. You know there are things you'd like to do, more that you can do, more that you're capable of doing, more ways you can convert this great landscape that we have for our youth and for others to use, but you just can't get there unless there are resources. So, although we want to continue that, there will be some limits. We're working very closely with the state, however, and with the Department of Recreation, of course. And of course, there's the constant-- what I call the call and response of dealing with the community. All of you have staff members who bring things to our attention, but community members call us directly for everything from downed trees, a request for service, telling us about things that are going on in the park. People are our eyes and ears out there. We love it. We're quick or try to be quick in responding to those, and we just want to continue to keep that part of our core mission. In the next 6 months--I've already hit on some of these. You can see what they are. One I want to focus on is working greener, using more sustainable design in what we do and working more on protecting our environmentally sensitive areas as long as-- we're managing about 10% of the land in the county. And the stream valleys and a lot of the green spaces, we really need to focus on that always, always. Because without that--if we don't have that, we don't have anything. And so, we're going to do that and expand the community garden program. And you can see the list. Our emergency preparedness--we have facilities we have to move or change. We're trying to move people out of expensive facilities and reorganize our workforce in that way. And we want to know more about what our customers need. We're gonna talk about that just briefly. In the next 6 months-- we're required by law, by state, by DNR, to produce a plan every 5 years about what the needs are in the community and sort of where we're going. It's a strategic plan. Last time it was done was in 2005. We've got another one due in 2010. And of course, you know, our staff resources for doing studies and planning are down like everyone else's. But we have a unique opportunity. We're a bi-county commission, as you know. And our Prince George's side just completed a big study of its recreational needs assessment. And they had a contract that we could get involved with to help inform our 2010 PROS plan. So, we did some pretty clever planning to get on board with that so we could get some of this work done for us on what we think the future's gonna hold up to 2030 for Parks and Recreation needs in Montgomery County. So, I'm very pleased that we have started work with the consultant, beginning this year while we still can--to work with this consultant to develop a shared vision for Parks and Recreation in Montgomery County. Director Alborno and I have been working together on this. He came to our launch meeting. It will work together. And we'll get to Councilmember Leventhal's questions, I think, going forward. I think that's where the big information is gonna come is out of this particular effort. Because we didn't have the resources to do this inhouse as we were working on this joint Park and Rec study, we will do it with this GreenPlay study-- we're calling it GreenPlay because that's the consultant that's working with us--to develop

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this plan, and I don't know where that will take us. This group that's doing work with us has worked in areas where park and recreation agencies have been separate and also where they are combined. So, we're gonna take an honest look through this process and come back with an analysis that will tell us how we can best provide collaboratively Parks and Recreation facilities and services based on the core services we're trying to provide in that wide gamut of responsibilities that our two agencies have. You'll see on the slide the details of how we intend to move forward on that. And we'll keep you posted throughout the year about how that is going. I would expect, though, to see a number, maybe 30 to 40 community meetings as we get out into the community, working with consultants. We talked to the Countywide Recreation Advisory Board last night, which is now calling itself the Countywide Parks and Recreation Advisory Board, because we are moving forward on collaboration on many levels. And so, they're gonna assist us with that process. There's one thing I wanted to show you. Looking ahead, I just have to point out to you. In real terms from 2001--I just want you to take a look at this chart if you could. It was in your packet, but it bears repeating that our park acreage has gone up. And while that may not mean anything in terms of if they're not intensively used in terms of [indistinct] work years, in many cases, we're picking up areas and new functionalities, I guess you'd say, on existing parks throughout the county. And our work years haven't really gone up commensurate with that. And if you look at our park tax rate, I mean, 2001--6.4 was the rate, and it's now 5.0 of the property tax. I mean, it's going down in very real terms. We're really doing a great deal more with a great deal less. You're gonna hear that from a lot of county agencies. I understand that. And I'm not in here pleading for any particular change, but it is very hard when you know all of the things you're responsible for--everything from stream quality to reaching people in urbanized areas and giving them backyards that they don't have to even something as simple as the dog park last weekend. It makes a real difference in what we're able to accomplish. And I just want to call that to your attention. We're not sitting pretty on a pile of money. We're really struggling with that, and this is really a slide that puts that into a synopsis. Overall, I'd say the last 6 months, we've done an awful lot under the circumstances. I look forward to continuing to provide the services the county needs over the next 6 months. And I'm particularly pleased with the Enterprise story, how we're turning that around. That Enterprise fund requires some of these facilities to be self-sustaining, and we're definitely moving in that direction. So, that will be the next part of our report. Are there any questions on the first part?

COUNCIL PRESIDENT ANDREWS:

There are a couple. Councilmember Knapp and then Councilmember Leventhal.

COUNCILMEMBER KNAPP:

Thank you, and thank you for the report. I'm glad we're going through this and having enough time to do it. Park tax rate. How is the park tax rate calculated? Is that a part of the property tax, similar to the fire tax district in that it's a...

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MARY BRADFORD:

It's similar to the property tax. It's a similar arrangement. It's based in the property tax in Montgomery County, which, of course, in addition to our percentage going down, the expected revenues from the property tax are on a downward slope, too, so that's compounded.

COUNCILMEMBER KNAPP:

Right, but I guess the question I'm asking--and maybe Mr. Farber even knows this--

MARY BRADFORD:

Metropolitan tax district.

COUNCILMEMBER KNAPP:

Because the fire tax actually varies from year to year, depending upon how the Executive Branch determines that. And is the park tax subject to that same calculation?

MARY BRADFORD:

Yes, it is.

COUNCILMEMBER KNAPP:

So, the downward trend isn't necessarily reflective of there being less money. It's just a matter of we want to use the resources someplace else.

MARLENE MICHAELSON:

That's exactly right, and that's the important point is that the Council determines what revenues are needed--

COUNCILMEMBER KNAPP:

Right.

MARLENE MICHAELSON:

and then it's a simple calculation of looking at appraised value and setting the rate. So, the rate could go down at the same time the revenues go way up. That doesn't always happen, but that's entirely possible.

COUNCILMEMBER KNAPP:

OK. So, that's a reflection of whatever other calculations take place with what gets put in the property tax rate and where things get allocated from there. OK, thank you.

MARY BRADFORD:

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There are some other nuances related to the Metropolitan tax district that certainly we provide countywide services, but some jurisdictions don't pay into the park tax. Some of the municipalities don't, and we've been trying to settle that out for some time, because they are users of services and how you make that fair when they also have, perhaps, their own Park and Recreation agencies, how you allocate a percentage from those municipalities to the countywide functions.

COUNCIL PRESIDENT ANDREWS:

Mr. Farber?

STEPHEN FARBER:

As Miss Bradford and Miss Michaelson have pointed out, there are nuances, there are variabilities, but ultimately it's a matter of overall priorities. There's a finite amount of money from the property tax, and it's allocated different ways each year, depending upon the Executive's recommended priorities and ultimately the Council's decisions as to what those priorities should be. So, it's not a static picture. It's a moving picture, and it does vary year to year.

COUNCIL PRESIDENT ANDREWS:

Thank you. OK, Councilmember Leventhal is next, and then Councilmember Elrich.

COUNCILMEMBER LEVENTHAL:

Well, I want to acknowledge up front that it's a wonderful thing to expand the amount of land that we have available in our parks system. So, that's a positive good. Having said that, it's well known to you, Mary, that I've got concerns about the use of the ALARF and the decisions that are made going into the decision to spend ALARF dollars. And this chart that you're showing us now just underscore my concern. And I guess my question to your department is, as you're determining--we've had a lot of conversations here at this dais over the years about an opportunity comes up and market conditions are right and you want to preserve a particular parcel and you go ahead and acquire it. And it's a wonderful thing to expand the amount of acreage that is protected in perpetuity as parkland, and I acknowledge that's a good thing. But if we don't have the resources to maintain increasing acreage and all parks suffer as a result because we're spreading a smaller and smaller amount of resources more and more thinly, I just need to know if that's a factor that goes into that conversation. Or are we again-- and I've asked this question before. I may be alone on the Council in having this concern. Is the money burning a hole in our pocket? Are we so eager to acquire land that we're not thinking through the long-term consequences of whether we can afford to maintain all the land that we buy? And it's also well known that I'd like to see more resources devoted to extinguishing development rights in the agricultural reserve. And we had to have a big debate with the Planning Board about doing that. We got a compromise solution. We are

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going to appropriate \$5,000,000 for that purpose against the Planning Board's wishes, but we're gonna go ahead and do it. But this chart just underscores my concern that we're acquiring more and more land, which is a good thing, but we don't have the resources to maintain the land we've got, let alone the additional land we're acquiring.

MARY BRADFORD:

I think your question there was do we consider this when we're talking about the land, and the answer is yes, but I'll tell you where I come out on it. Where I come out on it is, if it's a critical piece of land that protects a stream valley or protects some particular biodiverse habitat or something that is irreplaceable--if it's a choice between buying it and figuring out how you keep it in the pocket until you can manage it the best way or losing it forever, I'm gonna go for getting it into the system and figuring it out later, because once it's gone it's gone. Now, that's the very bottom line, but it does factor into how we weigh the value of the purchases. We're trying to focus in on critical needs, things that round out or protect. The days of just acquiring it because it is available are over. We're focusing on the SPAs, the Special Protection Areas. We're focusing on the stream valleys. We're focusing on the critical biodiverse areas, because once they're gone they're gone. So, I don't think it's just acquiring whatever's out there, no. But we do bring this thinking process to bear on our choices.

COUNCIL PRESIDENT ANDREWS:

OK, thank you.

MARYE WELLS-HARLEY:

May I also add that a lot of the land that we're acquiring in the stream valleys is land that no one is gonna build on anyway. So, it's not land that someone is really vying to build on. And also, the money that's being used to purchase the land, up until just the last two, 3 years was coming from Program Open Space. So, it was not just local dollars. Although, I certainly understand what you're saying, Councilman Leventhal. But all these factors are taken into consideration when we're looking. We do realize that there is a very high cost, because no matter-- if you aren't programming the land, you have to patrol it, and there are certain types of maintenance that's expected, especially if it's in the area where there are communities. So, yes, all of those are taken into consideration, and it's something that we do grapple with. And there are opportunities that come up that certainly we don't go forward with that if we had a different situation, we certainly would. So, it is a very careful analysis. It's brought to the Board. The Board reviews it very carefully, too, before we go forward with it.

COUNCILMEMBER LEVENTHAL:

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Commissioner Wells-Harley, I appreciate that reassurance. I would--and I'm listening carefully and taking you very seriously. I would point out that if it's true that the land being acquired--I mean, we had a vote this morning--is land that would never be developed, then that somewhat undermines Director Bradford's point that if we lose it it's gone forever. I mean, either it is gonna be lost or it isn't. If it's never gonna be built on, then the urgency of spending ALARF dollars on it doesn't seem that urgent.

MARY WELLS-HARLEY:

I'm sorry if I made you think that it was in all the cases. That certainly wouldn't be the case of along the stream valleys when we are preserving, but we're buying that primarily for preservation purposes. And because of the necessity to preserve our stream valleys is why we're purchasing a lot of that. And that's not land that's normally being competitive.

COUNCILMEMBER LEVENTHAL:

Well, at some point maybe Park staff could follow up with me on this, 'cause I'm still seeing--there's a rational disconnect here. If there is a great urgency that the public sector acquires stream valley land to protect the stream valley, that's one thing. If it's land that will never be built on because it's in a stream valley, that seems to undermine the urgency of having the public sector acquire it.

MARY WELLS-HARLEY:

I think it would be appropriate--perhaps we could schedule something that we could talk with you separately about this.

COUNCIL PRESIDENT ANDREWS:

Sounds good. OK. Thank you. Councilmember Elrich.

COUNCILMEMBER ELRICH:

Actually, I'd like you to have that conversation with all of us, because I think it's a critical point. We have other tools. We've heard lots of discussion about the upcoming stormwater management guidelines and the Chesapeake Bay protections, which may make it even more difficult to do development in sensitive areas. And if they're protected by existing laws, I question whether there is any need for us to acquire the property. It seems to me the first evaluation you have to do is do we have enough land in Montgomery County to meet the recreational needs of our residents. To simply acquire a stream valley because it's a stream valley--if we can actually protect it other ways-- you're not gonna put a trail through there, 'cause the moment you put a trail or access through there, you're doing the very damage you want to avoid anyway. So, it's forcing us to spend resources on things that we don't have. So, if you think we need more recreational area to meet our population needs, that's one thing, but to the extent that other laws--laws about tree removal, stuff affecting water--any of those things can protect the land. I think we ought to rely on that

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rather than acquiring it and having this patchwork of land all over the county that we don't ever intend to have county residents use. It seems like there's a better way to do it. We can focus our money better on other things.

MARY WELLS-HARLEY:

I might clarify. I think I kind of brought my Prince George's philosophy into a Montgomery situation, and I apologize for that, because that was the philosophy that we were using which Mary told me that's a little different. So, you're gonna have to bear with me as I make my transition from one county philosophy to the other. So I apologize if I brought some confusion to that. But I still think it's a good opportunity for the staff to meet with you and to explain to you our whole process and how we acquire land and why we acquire land.

MARY BRADFORD:

Actually, that's a good idea because I know that when we got a series of new commissioners on the Board recently, we sat down and redid all of our presentations on how we do land acquisitions and narrowed down to get some focus into that internally. So, some of what I've described to you is some changes we've made in the last couple years with how we prioritize acquisitions, but we should probably do the same thing for the Council. So we'll go through it with you and welcome your comments and advice on that.

COUNCIL PRESIDENT ANDREWS:

Thank you. Councilmember Ervin.

COUNCILMEMBER ERVIN:

Thank you very much. I just wanted to take this opportunity to thank the Parks Department, especially under its leader Mary Bradford, who I think does a tremendous job each and every day on behalf of Montgomery County and its residents. The longer I sit here at this dais, the more I find out what a treasure our Parks Department actually is to the county. And I want to especially thank you for sending to my office David Vismara and Ursula,????? who have done an awesome job on creating with us the community garden in Takoma Park--in the city of Takoma Park. And I also noticed on page 16 of the report, you have a plan to expand the community gardens program. We met yesterday with members of your staff and a developer in south Silver Spring who's going to give some of his land over to this program so that the folks who are surrounded by very tall buildings and concrete actually get to go out and have a garden plot. I was listening to NPR last week, and I heard a story with Arne Duncan, the Secretary of Education, and Tony Blair, former Prime Minister, talking about community schools. And all over England, they have this concept where schools are the center of the community and focus on the whole child and the whole family. And part of that is using school land for gardens. And I was just told by a very active member of the City of Takoma Park community that the school system

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actually has a policy--which I never heard of until this weekend--which pretty much frowns on the use of school property for growing fruits and vegetables. And so, I'm going to be holding a work session in the Ed committee to find out exactly how we can work with our school system. Because, really, the land that we don't have in the downcounty is all on elementary schools, middle schools, and high schools. And so, I would continue to ask you to work with us on these issues that I think are really important for our neighbors and our citizens. Thanks, Mary.

COUNCIL PRESIDENT ANDREWS:

OK, thank you, Councilmember Ervin. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

Well, I'll briefly echo Councilmember Ervin's praise for Mary Bradford. I'm a big fan of yours, Mary. I don't intend my questions to seem like I'm hostile to you. You run your department well. You've always been very responsive to me and my office, and you're obviously an extraordinarily successful practitioner of bureaucratic turf war, as evidenced by this report that we got this morning. You pretty successfully defended your department against external attack. So, you won my admiration on many fronts. But to get back to my earlier question and your answer to my earlier question, I think there are real costs. If it means that we're buying this land and just setting it aside and not doing anything with it, you still have to police it. You still have to provide security. We have issues with people, with encampments in parks. We have issues of litter in parks. There are real costs. So, again, I can defer this to a later, more thorough discussion offline, but the cost is more than nothing. Once you acquire the land, you have serious responsibilities for the land, and if you let the land just sit without policing, without security, without maintenance, significant problems are caused. And you and I together have walked through Long Branch Park and picked up beer bottles and discarded clothing. And I've been there with you, seeing the effects of letting parkland go, just leaving it alone.

COUNCIL PRESIDENT ANDREWS:

There you go. And I think it's true, Mr. Leventhal, that elbows are the strongest part of the human body. Anyway...ha ha! That is true. Ha ha!

COUNCILMEMBER LEVENTHAL:

Mary's elbows or my elbows?

COUNCIL PRESIDENT ANDREWS:

Everyone's elbows are the strongest part of their body in terms of force per square inch. All right. Thank you. Did you have additional parts to the presentation?

MARY BRADFORD:

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Well, our next part is really to sort of highlight for you the Enterprise. Each time we come up, I think rather than just give you this laundry list, we want to pick one area and kind of zero in on it. And maybe the land acquisition's the next time. I don't know. We'll take a look at that. But for this time, we wanted to highlight the Enterprise divisions. So, let me turn you for the most part here over to the Enterprise Division Chief Christine Brett, who can walk you through some of these highlights. And we'll try not to spend too much on it, but we're pretty happy with where we're going. So, Christine.

CHRISTINE BRETT:

Good morning. Christine Brett, Enterprise Chief. And I do thank you for this opportunity today. I've been before the PHED committee on a quarterly basis. And today's your opportunity to hear about all the good changes that have occurred. The Enterprise Division continues to serve, create a number of programs within the facilities that we have. Since its inception, I have saved the taxpayers some \$35 million by building the facilities. Those have then given us challenges 'cause-- are completely responsible for the personnel, debt service, maintenance, utilities, of the Enterprise Division. And we are covering those costs now, and that's why I get this opportunity to talk to you. We believe that our mission is to provide safe and affordable programs and amenities for our park patrons, and I believe we're accomplishing that at this time. These are the facilities. Some you are very much aware of:

Cabin John Ice, Pauline Betz Addie Tennis Center, the Wheaton facilities. We also manage the budgets for our park amenities that are right in the park, and hopefully that is a seamless management, as folks just don't generally know that that's occurring. What we've been focusing on the time, pretty much at your direction and since I've been here, was our tennis facilities. And we even had a joke about tennis and the challenges that that made. I'm happy to report that they are doing well, and we'll go into that in a little more detail. Again, the FY09 utilities costs, internal costs, external costs, became another major focus. And for '10, now that ice and tennis are on track, our focus is the event centers and bringing more revenue into them, because we do feel they are a cherished part of our organization and in this county. This is a fun slide. Last year, not so good. This year, we switched the budget around by some \$900,000. So, that's why you get to listen to me today. I'm pretty proud of that, so a few more minutes of your time. And how we did that. We looked at every piece of our costs. We looked at efficiencies. We looked at every program that we offered and the evaluation process. We responded to customer needs, requests--simple requests, some not so simple. We did that. We worked with our intermittent staff and our full-time staff to better use those. We continue to work our affordable fees, and the Planning Board just recently on Monday night approved some new fees, but the majority of our fees will not increase this year. So we're doing this not on the backs of our users, but in conjunction with them and with our own philosophies within this department. And marketing. We have our own Wow Wheaton campaign, different marketing techniques, everything we can employ to bring the people in to get them to mill

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about our facilities. I'll start with our ice rinks. Revenue is up in our ice rinks. Our class programs did well in '08. They're doing OK in '09. And we're looking for good results in '10. We do feel the economy here, hence why we didn't raise fees and why we continue to offer more for what the folks are offered. You take an ice-skating class, for instance, that's 6 classes, plus 6 times to come to the facility free on a public session. Our attendance at those rinks alone is pushing some \$400,000. Your offices have even contacted us. Some facilities, we've expanded our hours of operations, others we've reduced. We've installed software for energy conservation. Simple things. We expanded the water storage tanks at Wheaton ice so we aren't wasting water. So that tank was behind the building, out back. So, truly, we're looking under every nook and cranny in here. And Mary's mentioned the grants. We are now with a \$75,000 grant to improve the lighting at both of the rinks on all 3 sheets of ice. So, that will be the project completed by the spring. We don't do any projects in ice during the wintertimes. And I think you guys would appreciate that based on the mail that you get occasionally. In our ice rinks, some of the things that have been a focus is our warm and welcoming appeal. All the facades, all the entranceways have been painted. More color, plants--anything we can do to let the customer know that we want them in our rinks. We repurposed the outdoor rink in Wheaton. I think some of you may have heard of our new flea markets there. The comments have been, "Wow, I'm glad this is being used," "I didn't know this was here." Doing attendance-- using technology to the most. Slash marks and cross it over. So, with that technology, we're actually at some 900 people walking through our building. Thank you, Councilmember Floreen, for laughing at that, too. Ha ha! Again, some of the things that staff has asked us to do here is, we're really monitoring our programs and costs as they're occurring. And we are instituting Manager Specials as needed. One, in particular, was our summer camp programs. Sometimes our ice skating programs are expensive. This year, we rework them to reduce costs. And some additional \$16,000 came in simply for that reworking and meeting the need. Councilmember Elrich, I do want to thank you for Dale Tibbitts coming to our Wheaton Customer Service Days. He comments positively and sometimes negatively, but he does it because he's there and he's very honest. And I appreciate that he returns and comes to that. The particular day that he was there, it had rained for the whole week. September 13th, a Sunday afternoon, Redskin 4:00 game, and we had 350 people in the Wheaton Arena for a free session. How do I keep getting those people back? What am I doing? What is that telling me that I can accomplish that and then not have so many people here? So, we're doing more outreach in Wheaton, offering Cheap Skates. A Cheap Skate is you pay the admission and you don't get charged for the skates or you can bring your own. So, we're employing all tactics that we can continue to do that outreach, and I thank you for that. We did just--you've been hearing--host the 2010 South Atlantic Regional Competition at the Cabin John Ice Rink. That meant that we had young people from South Carolina, Florida, up until Pennsylvania, and that was very successful. And that's at a time when the rinks aren't necessarily at their prime time. And that was additional revenue, people in our facilities, and even our snack bar revenues were up



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some \$4,000, so that's a lot of hot dogs and pretzels. So, tennis. Tennis. Tennis. Tennis. Thank you for tennis. We are doing great at both facilities. I need to talk about Wheaton again. In '07, Wheaton brought in \$303,000. In the first 6 months alone of '09-- the last 6 months, but those months that they were open-- they were at almost \$200,000. And that's increase in our class program, an increase in our contracts. And our contracts are primarily MCTA. And we are serving people from the age of 3 to 103. The super seniors from MCTA are in our facilities and we're working with them.

COUNCIL PRESIDENT ANDREWS:

So, as the self-appointed leader of the tennis caucus on the County Council, thank you. Good work.

CHRISTINE BRETT:

I apprec-- And true, I don't do Pauline Betz Addie. We've painted the walls, put up \$100 worth of border around, just things that people know that they feel like they're--the goal is to feel like they're in a country club while they're in a public facility. We put in a countertop and mirrors 'cause the ladies wanted it. I should have had a V8. I had nowhere to plug in my blow dryer. Electric went up the next day. So, we're responsive. And tennis has about 1,000 people in there right now. Again, we're changing those hours. Hidden staff talents-- we made the curtains at Wheaton Tennis ourselves. So, truly, every rock is coming along. And it's beautiful. Our goals are warm, welcoming, and we want you to feel like you're at a country club at Wheaton Tennis and at Pauline Betz Tennis. Programs at Wheaton Tennis is the new Quick Start program. We had our tournament with some 300 young people there. That's a bigger racquet, a bigger ball. More classes. Our outdoor program is up some--167 participants young and old, and we keep employing manager's specials there. The summer wasn't as hot as you may have thought, so with the air conditioning, we don't have good data, and people weren't in there. August was a manager's special on Tuesdays and Thursdays. We booked people and made about some \$20,000. So, this is-- looking at it in June, looking at it in July, reacting in August. So this is what we're gonna continue to do, so I can't answer if the air conditioning was successful or not, but obviously we're monitoring that. My event centers, the event centers, your event centers are a challenge. There--Woodlawn is obviously a historic site, but that's where our focus is now. Again, we're even buying new supplies and updating the eighties kind of look over there on Craigslist, so anything that we can employ, we're doing this. We're upgrading the facility, shifting hours, more open houses, doing all that we can there. In fact, I do need to invite you--you know I always have to have an invitation--to the Not-So-Big Wedding on this Sunday. It's how to plan a wedding for \$15,000. We had 12 teams doing this and online registration for free is at 225 people, and that was at 9:30 this morning. So, I can't update you any sooner than that. But we are reaching for programs out there. The egg hunt at Rockwood was a ton of fun. The Not-So-Big Wedding we talked about, and your-- hold on here. And our park facilities. I gotta tell you about one program, ladies and

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gentlemen. We've expanded our party rooms. People don't want their 3-year-olds in their own house. We are offering those up starting November 1 to the end of March. We're renting those facilities during the wintertime. First day it's open, we have 5 bookings already. At \$600, but it's \$600 that we didn't have before, and that's 600 people that are pretty much in the building that had never been there before. OK. Fishing in the parks. Everybody in the world fishes. They've come to Needwood and Black Hills, and we instituted this program. 50 young kids got a cane pole and fished for the first time. Not only does everybody fish, but every 3-year-old squeals exactly the same way when they catch their first fish. So we had two successful programs. Waiting lists. Instituted another one in September. Again, that same success. Ready-made camping at Little Bennett. Still we're struggling there, getting some finances done, but we need folks there and we're looking at that again right now. We just closed our Halloween Trains at Cabin John and Wheaton. Rain kind of affected that, but still. Very successful time. I bring you good news. I don't want to leave on a sad note, but we do face challenges. The aging infrastructure in our rinks, staff changes, vacancies, the economy. We're aware of all of that. I appreciate the department's support, your support, and with that, I will continue to go forward and hopefully at least maintain if not improved in our '10 and '11 budget. They think I'm the Grinch. We have very conservative budgets coming forward, but welcome to the club. So, again, I thank you. I will entertain questions and appreciate the opportunity.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you very much, and it's good news and excellent to hear the news about the success of the Wheaton Tennis Center. I think you said it netted \$200,000 the first 6 months, which then--is that right? Which can then go toward capital improvements along, you know, in the future. I know it was just remodeled and reopened about a year ago or less, I guess. So, that's excellent, and I'm glad to see that's working. Councilmember Elrich.

COUNCILMEMBER ELRICH:

I wanted to thank you for recognizing Dale, because he really is committed and is out there a lot in the community. I will say that if you want to maintain your Sunday attendance, you should get all your friends to tell Dan Snyder to keep managing the Redskins. You know? Not much to watch right now.

CHRISTINE BRETT:

And go Caps.

COUNCILMEMBER ELRICH:

And I do think you all have done a really good job of turning around the department, and it's really nice to see the very rapid switch in revenues from the year before to what you were able to accomplish last year. And I think that's impressive, and it shows, I think, a

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real serious commitment to management that will benefit all of us and make sure we have more resources. So I do want to thank you for the work you're doing over there. It's really excellent.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Elrich. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

Director Bradford, I want to commend you as well. You do an excellent job, and I was particularly impacted by the dog park experience this weekend. And what it made me appreciate was for very little cost, and I believe that particular park cost something on the order of \$150,000, but your estimate going forward is having done that, we can now produce these at a fraction of that cost. And what a difference it makes in the quality of life for our community. These are important amenities that we are able to provide in a very cost-effective way, and it does impact people's lives and make them happy with living here in Montgomery County, and I want to thank you for that. In that same vein, I want to ask you, if you would, to share with us your thoughts on these troubled activity centers, and I think that's the correct phrase for them, and your progress, if any, with respect to public-private partnerships and how we are going to take these facilities that are icons for neighborhoods, that give them a sense of place, that are important to them in fundamental ways, and we are in difficult financial times, and some of these have been allowed to deteriorate to a terrible degree, and the community says, "I'm sorry, you allowed it to deteriorate and now you're saying, "Oh, gee, it deteriorated and therefore we have to take it out." They don't find that logic to be particularly compelling. So, we've had this conversation a number of times, but it feels like this is an appropriate time to get an update from you as to your thinking with respect to it, your plan for assisting neighborhoods that want to hold on to these, to work with them. How are you going about that?

MARY BRADFORD:

Well, first of all, you're absolutely right about these being central to people's vision of the communities, particularly in the downcounty. I think you pointed out to me at one point in areas where community schools have gone away, this becomes the neighborhood place. The problem was that those neighborhood places weren't bringing in the money to provide the maintenance because people might only use them a couple of times a year for a civic event or a party or something like that. But we're dealing with each of them a little differently, and there's about 30 of these buildings, I guess, scattered around. One thing we did not cover in the Park and Recreation review when Director Alborno was here is when we talked about facility transfers, we actually took a look at those buildings as well. If the recreation department was in fact the primary user of those facilities and provided most of the programming for those facilities. We talked about moving and they agreed to

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accept--I think it was 6 of them, 6 of them moving over, and that's one of the facilities we're running the numbers on right now, because before we give them to them, we have to make sure that they can sustain them. But they're running programs in there, they're getting revenue out of it. Wouldn't it make a lot of sense just to transfer those to the recreation department? They're recreation buildings, after all, originally, and just get rid of some of them that way that we can sustain through our budget. Others we're taking a look at, their historic nature. Maybe a couple of them are possibly eligible for some historic funding. As you know with Garrett Park, there was another sort of, for all intents and purposes, single user there, a nursery school. We've arranged to transfer that facility to that community for their continued use. I think each one of these deserves a tailored plan tailored to that community, the revenues where money could come from to help keep them, and another agency that might want to take them all. Everything is on the table as far as those facilities are concerned right now. If we get a credible partner that wants to use it for another purpose and they're bringing money in to sustain that building, they have an open door with me, so in all instances, we're trying to find an appropriate person to hold these, as they say, in the palm of their hand and protect them for that community purpose.

COUNCIL PRESIDENT ANDREWS:

Let me make a quick housekeeping announcement. We're clearly not going to get to the transportation part of the Growth Policy until the afternoon session, so if there's anybody here for the transportation part, we will not be getting to that until at least 2:00. And I expect we will start at 2:00 for that because I don't think the public hearings will go for more than about half an hour. So, we should be on track and starting at 2:00 in the afternoon on Growth Policy. We may get to the school part of the Growth Policy. It depends how this goes the next few minutes. But we will not get to the transportation part until at least 2:00. Please proceed.

COUNCIL VICE PRESIDENT BERLINER:

Well, Director, I want to thank you for that response and, more broadly, for rethinking your department's approach to these buildings, because I believe in the beginning, there was a sense of gosh, let's just get rid of these things. They're not generating enough revenue. And I think you and your top people have, over time, come to appreciate how important they are and that that has assisted you in coming up with more creative solutions for these centers, and I appreciate your approach.

COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. Councilmember Floreen.

COUNCILMEMBER FLOREEN:

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Thank you. Well, I mostly just wanted to compliment Miss Bradford and her team here. You know, we got all jazzed up by the excitement of the Enterprise Fund, and your creativity there and your--just spirit, and it's quite infectious, and I think Miss Bradford deserves a lot of credit for encouraging everyone to approach these problem-solving initiatives with the creativity that we know that exists--and a tremendous step within the department. I mean, I've seen that in the town of Garrett Park dealing with you all on the parks facilities issues. You have collectively been responsive, creative, flexible, and full of a very positive attitude, and I think, Miss Bradford, you deserve all the credit for all that, because you have empowered excellent people to do great things, and that makes our job, of course, that much easier. So, thank you very much for what you're doing and just for the enthusiasm that we all feel from the work you're doing, from the dog park stuff to making your own curtains at Wheaton. You know, it's the can-do attitude that benefits us all, so thank you very much.

MARY BRADFORD:

I just want-- I have to say, I mean, these were excellent people when I got here, so please, please, don't give me all the credit. I don't deserve it.

COUNCIL PRESIDENT ANDREWS:

Yeah. Good team effort. Very good team effort. Councilmember Navarro.

COUNCILMEMBER NAVARRO:

OK, so we'll congratulate all the wonderful people that were there before you got there as well as your wonderful leadership that maintains everything and moves forward, and truly, I mean, I just also want to compliment all of you for how amazing and responsive you've been to many of the challenges. I mean, we do have a very large county, geographically very diverse but also, you know, with a lot of different community needs, and I think your leadership, Mary, and, you know, with all of the work that you've done in the past, really serves us very well in terms of how you respond to needs that may be specific to communities, and I think, you know, I speak as somebody who's taken advantage of so many of these services or for my kids, etc., and to see, you know, the communities reflected in those geographic areas participating and taking advantage I think is really wonderful. So just wanted to kind of point that out that I think you've really done a great job in making sure that, you know, the parks are also serving a population that has truly shifted quite a bit in the past 20 years, and I look forward to, you know, continuing to support and participate in that.

COUNCIL PRESIDENT ANDREWS:

OK. Well said and again, on behalf of the entire County Council, congratulations on the progress on the Enterprise Division and thanks for the great work in getting all these new parks out there. They're certainly very valued by our constituents.

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MARY BRADFORD:

Thank you, Mr. President.

COUNCIL PRESIDENT ANDREWS:

OK. I think that wraps up the parks section. We just have to come back on the revised master plan schedule now and that will finish up the semi-annual report of the Planning Board. So, Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. Chairman. I gotta get the right piece of paper, Mr. President. If you look at circles 22 and 23, I believe it reflects what it was that we talked about with the Planning Board and the Planning Board chair two weeks ago which effectively removes Clarksburg stage 4 until the Council makes a recommendation as to that, identified the third Purple Line master plan amendment to focus on Chevy Chase Lake, accelerating the schedule for that plan from April 2013 to April 2011 and also accelerates the schedule for the fourth Purple Line station area plan. Did I miss anything?

COUNCIL VICE PRESIDENT BERLINER ?????:

You got it all.

COUNCILMEMBER KNAPP:

All right. So that reflects, I think, what the Council said, and I think it's important for that just because in the last couple sessions we've had on our semi-annual work discussions, there's been some confusion. I just wanted to make sure that before we all say, "OK," that we all actually say, "OK." I don't see anyone saying, "Not OK," so we'll take that as acquiescence and that's an affirmative and we'll move forward.

COUNCIL PRESIDENT ANDREWS:

OK.

COUNCILMEMBER KNAPP:

Thank you very much for presenting that to us.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Knapp. All right. Let's move right into the beginning of the worksession and at least preliminary action on the Growth Policy. That is--we actually have two items--we have an addendum and we have the agenda item 11 and 16. That is the main worksession two packet. We have the school issues identified first, so let's begin with that and see how far we get with the schools and then we'll break at noon. We have a meeting with Montgomery College at noon over lunch and then we'll come back at 1:30 for

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a public hearing that should take about half an hour, and then we'll be resuming a worksession on Growth Policy about 2:00. So, Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. As you indicated, we will begin to take up the public school adequacy tests. There are a couple of issues left to be resolved. Dr. Orlin, what decisions do we need to make that we have not yet made? I believe there's--

GLENN ORLIN:

All of them.

COUNCILMEMBER KNAPP:

Well, right. Right. We actually have to raise our hands for all of them. There weren't many that were in contention.

GLENN ORLIN:

Right. Yeah, it starts on the bottom of page 2, but when we get to the threshold for the-- we're actually there now, really--the moratorium and for the school facility payment. I do want to mention the findings on the middle of page one, if I could, before we get to the votes. One of the things I asked the school system staff to do was to calculate the test results. This is a strange case, and we'll know the test results probably 8 months ahead of time with a couple of assumptions based on the MCPS's new enrollment forecast as well as if you were to assume that the superintendent's request reflects what will be counted as capacity in the approved CIP next May, not necessarily exactly the way they have it but within the 5-year period, then we actually have all the numbers we need to be able to calculate what the July 2010 results would be. And the differences are as follows-- they're on circles one and two. Currently, as you remember, there are 4 areas that are in moratorium. All 4 of those areas would come out of moratorium--BCC, Seneca Valley, Clarksburg, and Northwest--but one area would go in, which is Richard Montgomery. Richard Montgomery will be short of elementary school space in the next period as of July 1. As far as the school facility payment, the results differ depending upon whether you go with 105% or 110% threshold. Under 110%, 6 areas would require school facility payments--Northwest, Northwood, Quince Orchard, and Rockville--at the elementary level, and BCC and Richard Montgomery at the middle level. Under the 105 test, 11 would. In addition to the 6 I mentioned, it includes BCC at the elementary level as well as Paint Branch at the elementary level; at the middle school level, Northwest; and Whitman at the high school level. So now, when you make your decision about these thresholds, you have that information now. With that, I think--the other background information has to do with the transportation test. We probably should save it until this afternoon. But...

COUNCIL PRESIDENT ANDREWS:



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That's right.

GLENN ORLIN:

If we go to bottom of page two, the first question is do you round or do you not round in calculating the school test? The committee's unanimous recommendation is that you do not round. As a result, you find that Northwest high school cluster should be placed in moratorium because of shortfall in elementary school capacity.

COUNCIL PRESIDENT ANDREWS:

If there are no motions or if no one indicates opposition, we will assume there is support for the issue. And I don't see any comments about that one. So--

UNKNOWN SPEAKER?????:

[Indistinct] committee recommendation.

COUNCIL PRESIDENT ANDREWS:

Yes, that's a committee recommendation, so that committee recommendation is supported.

GLENN ORLIN:

The next one, top of page 3, the committee's unanimous recommendation is to retain the 120% threshold for determining when an area cluster would go into moratorium.

COUNCIL PRESIDENT ANDREWS:

Mm-hmm. OK. Don't see any comments there. That committee recommendation is supported as well.

GLENN ORLIN:

OK. The third is the committee's unanimous recommendation to allow a mid-cycle school adequacy assessment. This follows from the solution PDFs, and it would only apply this year.

COUNCIL PRESIDENT ANDREWS:

Mm-hmm. OK. I don't see any comments...

COUNCILMEMBER KNAPP:

I just had a question on this point. We've had conversations as it relates to I believe Clarksburg in particular. Do we need to make any modification to that or not?

GLENN ORLIN:

Not today.

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COUNCILMEMBER KNAPP:
OK.

COUNCIL PRESIDENT ANDREWS:
OK. All right. No other comments on that, so that's supported as well.

GLENN ORLIN:
This is the one where you were divided, the committee was. School facility payment threshold, currently the threshold is 105%. The final draft--and the PHED committee recommendation is to increase that threshold to 110%, supported by Mr. Knapp and Ms. Floreen. Mr. Elrich supports keeping it at 105%, as well as several others.

COUNCIL PRESIDENT ANDREWS:
OK. Council Vice President Berliner. Councilmember Knapp, did you want to make a comment first? Council Vice President Berliner. OK.

COUNCIL VICE PRESIDENT BERLINER:
I would just like to move the alternative to go back to the 105% as recommended by my colleague Councilmember Elrich.

COUNCIL PRESIDENT ANDREWS:
OK. That's moved by Council Vice President Berliner. Is there a second?

COUNCILMEMBER ELRICH:
Seconded.

COUNCIL PRESIDENT ANDREWS:
Seconded by Councilmember Elrich. OK. Any comments on that issue? Councilmember Ervin.

COUNCILMEMBER ERVIN:
I just need to be real clear on what this actually gets us or not. Again, you know, I see here that the committee recommendation was two to one and then I also see the organizations that are supporting something that the school board is recommending. So, I need to understand, what is the important distinction here? What are we trying to accomplish with one or the other? So, Glenn, if you have a way to--if anybody that's as confused about this as I am, I'm sure, you know, most of the people that we represent in the county are not paying all that much attention to what we're about to vote on right now, but I want you to describe this for me.



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GLENN ORLIN:

I will summarize the--

COUNCIL PRESIDENT ANDREWS:

Is your mike on?

GLENN ORLIN:

Thank you. It's not. I'll summarize the arguments as soon as I repeat again what the proposal is. Currently the test is that if a cluster exceeds 105% but is less than 120% of program capacity, at the elementary school level or the middle school level or the high school level within a cluster, five years out, comparing enrollment to program capacity, then a residential development can go forward if the developer pays a school facility payment which is a payment per student that's generated by this new development. It's about \$19,000 per student for an elementary school kid and it's 20--I can't recall what it is here. It's in the packet here somewhere. It's in the 20s for middle school and for high school. Changing the threshold to 110% was recommended by the Planning Board but was also recommended by the school board. The school board staff has said, and Jerry Weast, the superintendent said as well, of course, is that when the school system looks at providing capacity increases, they typically look at individual schools. But in terms of an overall cluster, they wouldn't recommend an additional space in an elementary school or middle school or high school if the range were only in the 105%-110% range. Certainly if it's above 110%, that shows a consistent overcapacity situation that they want to address, but they have so many needs that they don't want to put all their eggs in the capacity basket if that takes away, say, from modernizations and other things. So they are only asking for those projects where capacity exceeds at least 110% cluster-wide. And as a result of that, their recommendation was to set the test at 110%, and Council staff's rationale for recommending the same was it's hard to require an exaction on a developer to pay for a project if in fact the school system's not gonna ask for a project. Now, what would happen is, the money that's collected is for capacity increases for that cluster. And if there isn't a project there, it would sit until there is. Once there was one, maybe not next year, maybe not the year after, but eventually, then the money could be used. It wouldn't sit forever. But it may not be used right away, either. The argument for keeping it at 105% is a monetary one as much as anything else, which is that there would be some developers that would be willing to pay to go forward if it's between 105% and 110%, and why sneeze at any revenue that's not gonna come in from the general taxpayer. So, those are the arguments on both sides. And I just mentioned to you a second ago what the effect is as of July 2010. There are essentially 5 cluster-level combinations where the difference between 105% and 110% is important. And those are-- I'll just repeat them again-- It's the--circle--well, circle one or circle two--the Paint Branch cluster at the elementary level. The BCC cluster at the elementary level. Northwest and Whitman clusters at the middle school level and the Wootton cluster at the high school level. Any

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development of those clusters where a residential development would go forward after July 1, 2010, if they want to go forward, have to make a school facility payment if it's 105% of the threshold. To 110%, it would not have to. They'd just go forward. And I'm looking rapidly in the last packet for what the current difference is between the current 105% and 110% is. In other words, what would be in effect between January 1 and July--June 30, and I'm instantly not finding it, but I probably will eventually. Here it is. Walter Johnson, Paint Branch, and Quince Orchard. In other words, for the next 6 months, from January through June, at the elementary school level, any development that wants to go forward in any of those three clusters would have to pay a school facility payment if it were at 105%. If it were at 110%, it would not.

COUNCILMEMBER ERVIN:

OK. I remember having this conversation the first time I was on the dais and we were talking about the Growth Policy, and it seems that the school system, there is no exact science for figuring out where these kids are going to come from or be at any particular time. And my question has to do with how many subdivisions have been built or are being planned to be built in the county? And we got these extra 2,500 kids not from the result of any development. We got them because of the economy. And so is it going to matter if we vote with 105% as opposed to 110% if it's a question of who pays? There's no developments-- subdivision developments being built that I know of in the county in these areas that you just described. So--I mean, is this--again, I'm just-- and I'm not being flip here, is this just an academic discussion, and how much is it really gonna matter, whichever one of these we end up voting for?

GLENN ORLIN:

It's not purely academic because there will be some subdivisions that will come through in the next 6 months or in the following 12 months which will--they may want to pay the school facility payment if it's to go forward. And you're right that the economy is down, there's fewer subdivisions being applied for. Maybe Ms. Dunn can add some numbers to it or some other characterization of it. But there will likely be some, at least, developments that would be affected by this decision.

COUNCILMEMBER ERVIN:

That would be nice to know. MS. DUNN?????:

Yeah, well, one thing I want to say is if you're looking at it about revenue, we don't know who would come forward or who wouldn't based on that change in--105% to 110%. It might make the difference to a developer if they have to make this payment or they don't. I think it gets back again to. are they causing a large portion of this problem within your school system? We've seen that in fact they are not. Which was the motivation when we took this to the Planning Board, and the School Board agreed with us. It became not an issue of, well, are there going to be enough developments coming in to give us some

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more money? It became an issue of is this really fair? It's an exaction. Is the money being programmed to be spent? And we came down at 110% for that reason.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Ervin. Councilmember Elrich.

COUNCILMEMBER ELRICH:

I didn't look at it strictly as a revenue number. I mean, one of my concerns is when you look at clusters, you could be at 105% for a cluster and still have schools consistently or considerably over that capacity. And the fact that you have schools with high capacities inside clusters that still meet the 105 test, to me is a problem and it indicates, A, that it's hard for the school system to move boundaries and so we tolerate schools with very, very high capacities rather than--you know, it's not like every school in the cluster goes to 105. You could have 85, 90, a couple at 100, and then one sitting there at 140 and 145. And so to the extent that I was interested in producing revenues, I was interested in producing revenues to give the school system more tools to expand the list of projects they can do. I think they're probably like we are with road projects. We've got a long list of things we'd like to do, but what we'd like to do is tempered by how much money we have to do it with. And so the school system no more than we are is gonna put forward a list of projects that they can't possibly afford. I think providing the school system with more resources would in fact give them the ability to look beyond their priority of, you know, how bad do you have to be and expand the number of places where they could actually provide relief where they need relief. Deal with that school that's 145 in a cluster that's, you know, just hitting the 105% capacity. So, it wasn't just to raise money for the sake of raising money, it was to give the school system more tools to deal with problem schools and frankly, it also helps head off the problem farther on down the road if, you know, you do continue to see developments in areas and they do push us over the 110 and heading toward the 120. It would be nice to have the capacity before we get there and not have to hold projects up then.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Elrich. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

You know, I've been here seven years and I confess I'm not as--I don't--I don't vividly get the real-world consequences of the Growth Policy. I'm trying to understand it. I've been trying to understand it every time it's come before us. I got some useful data-- thank you, Glenn Orlin, and he received it from Planning Board staff. I'll just read it very quickly. My question was since we passed the last Growth Policy, how many submitted applications have we had? Because it does seem to me that we're once again engaged in a dialogue about how to valiantly beat back the growth that isn't happening. So, the numbers are



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these--since we passed the last Growth Policy--in 2005, there were 136 submitted applications, in 2006, there were 123 submitted applications, in 2007, there were 62 submitted applications. In 2008, there were 77 submitted applications, and in the first 10 months of 2009, there have been 41 submitted applications. Now, there are questions that I still have that I don't have answers to, and it has to do with at what point are we demanding so many extractions that we get zero revenue because the project becomes unaffordable? And none of us have the carefully calibrated answer to that question. I'm not saying that-- and I want to be very clear about this. I'm not saying that the dramatic decline in submitted applications is due or solely due to the number of extractions. We all know that access to capital is the biggest issue, and that's sort of the major point here. Very little of what we do actually affects whether development goes forward in the real world. Development is in response to demand and it's in response--and it occurs because of the availability of investment capital. And those are the big issues that are much bigger than this debate that we have here. Having said that, there are those in the community and some elected officials who would like to suggest that we, the County Council, are putting cars on the road or putting students in the classroom. We're not doing that, whether the students are born--I mean, I'm responsible for two students in the school system, but that's it. OK. I didn't put students in the classroom and I didn't put cars on the road. We adopt these inordinately complex tollbooths and gateways that determine whether or not-- really, the amount of taxes that get piled on. That's about all they determine. But it's obvious on its face that the more of an extraction-- there's a point beyond which you can extract and extract and extract and extract. You're not gonna get the revenue. I'm just gonna repeat that because it's a very important point. There's a point beyond which you can demand and demand and demand and demand and you aren't going to get the revenue because the project is going to be unaffordable. And that should be obvious on its face. Having said that, the 105s threshold is going to pass this council. I have done a little vote count here. Maybe I'm wrong. And so then we're all sitting here knowing that, you know, some in the community and some elected officials are gonna use this as a hammer to say, "Look, Leventhal voted to overcrowd classrooms," which of course is not what this is, but that's how it's gonna be used. So, I'm not sure how I'm gonna vote, but you know, I think as Councilmember Ervin said, the real-world consequences are de minimis because these projects are not moving ahead. They're not moving ahead in the period of time that this Growth Policy's gonna cover. And what's frustrating to me, I guess, is that some of these issues are fairly simple and, as I say, obvious on their face, but we don't get presented-- they're not presented to us in a way that helps us understand the real-world consequences. So, one of the things I'd like to have-- I know we're doing the major straw votes today and final passage next week, but I would really like during the testimony on the CR Zone, somebody described the parfait effect. I would really like to understand in real dollar terms, OK, what does someone have to pay for one housing unit? If you're gonna pay one--if you're gonna build one new housing unit, depending on whether you're in moratorium, out of moratorium, depending

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on whether you're in the threshold, out of the threshold. There'd be several different options, right? Be in a Metro station policy area, etc. OK? One housing unit. We just heard that it could be \$18,000 for-- what was it, Glenn? \$18,000 for an elementary school student, \$21,000 for a middle school student. OK? But that's not all because you've got PAMR and you've got the transportation impact tax, and you've got the school impact tax and you've got the schools facilities test. MPDUs, workforce housing. We had an assertion during the CR Zone testimony. By the way, I don't know what I'm going to do tonight, Tuesday night without a public hearing, Mr. President. I'm just at a loss. I--I've just been-- you know, it's been so nice spending my Tuesday and Thursday evenings with my colleagues here. I don't know what I'm going to do tonight without-- without 45 witnesses to keep me busy.

COUNCIL PRESIDENT ANDREWS:
Don't worry, we'll have a couple more.

COUNCILMEMBER LEVENTHAL:
But-- but I really would like a chart that says for one housing unit, let us detail all these extractions in the various zones, in the various conditions, whether you're in or out of moratorium, etc. Because I think we've reached the point--and again, I'm not attributing all of the decline solely to our actions here. Quite the contrary. I think our actions here have the least effect on the availability of investment capital and the demand for housing. But we really do need to focus, and none of the material, unless I've missed it, really emphasizes this on really what is it that we're requiring and whether all the things that we're requiring are just saying we're not gonna have any housing. Well, that may be the desire of some, but you can't simultaneously add all these extractions, understanding what the effect is that very, very few projects are gonna be green- lighted, and then say we're gonna use this revenue to do all the things we want to do to improve our transportation and improve our schools. You can't have it both ways. If you demand, demand, demand, demand, and then you don't get the revenue, you can't spend the revenue on the things you want to spend it on. You can't have both things.

COUNCIL PRESIDENT ANDREWS:
Thank you, Councilmember Leventhal. We have a few more lights. I hope that we actually can get through this issue before we break, so I'll go to Councilmember Knapp.

COUNCILMEMBER KNAPP:
Mr. President, I appreciate the comments of my colleagues. You know, we're at the point now where we get to in the discussion of a Growth Policy where it's less about the practical effects sometimes than it is about the positioning. And I think Ms. Floreen, last week or a couple weeks ago, I think, laid it out fairly well. And really, kind of what's the problem, what's the cause of that problem, and what are we trying to solve? And I think if

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we use that context, I think we'll be in a better place. And I think, you know, in all honesty, it's important for us to be able to have real conversations with the folks that we represent. And when we perpetuate kind of myths sometimes, we only do ourselves and the greater--and the greater discussion a disservice. And unfortunately, what we're having a debate about now is kind of a sound bite, and that's the challenge, because 105 sounds better than 110, and that's kind of where we are. And I understand why it sounds better, but the reality is if we say, OK, we're gonna require that somebody make a payment at 105 as opposed to 110. We've already heard from the Board of Education that they don't make a decision till they get to 110 because they can't determine how long that--if that's gonna be something that's sustained, if it's a blip, what it is. And so now, if a development were to go forward, it creates the perception in the minds of those folks in the community that, well, somebody's paying something, therefore, if I didn't like what my school looks like and it's potentially overcrowded, something's gonna happen because somebody's making a payment, so we're gonna get--see some improvement. And the reality is, given some of the numbers that Dr. Orlin has talked about, what do you get? 150,000? 180,000? That's nice, but practically looking at the magnitude of some of the capital costs we're talking about when addressing school capacity, it gets you two portables. I mean, really, which which most people don't want to see in their neighborhood anyway. And so that's the only real solution you're gonna get for those resources, and the reality is that the Board of Education may not do anything anyway because two years from then, you're not gonna see that same--you're not gonna achieve the 110% number, which is what the Board of Education was gonna look at in the first place. And so I just think it's important for us, rather than to focus on the sound bite and what sounds better, to look at what decisions people will make, when they will make those decisions, and what's the practical outcome that they're gonna take into effect and into account when they do it. I appreciate the notion of wanting to give the school system tools, but they don't have a way to use this tool and have actually asked us not to give them this tool. And they're the ones who make those initial decisions. And so I appreciate why 105 sounds better or looks better than 110, but the reality is we've gotta have the ability to stand up with the folks that we represent and have a real conversation with them and explain what happens as opposed to trying to make sure we've got the best sound bite. And I realize we're--oh, it's election day today. And so a year from now, everybody will be doing that, but part of what we do in our job is not just to play to what people's perceptions are but to actually lead them to the right outcomes and to actually have a conversation with them so people understand what it is that we do and the decisions that people are making and not just focus on what's gonna be a good sound bite.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Knapp. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

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Let's stay with that theme for a moment, because we've had a number of sound bites here and I don't want to contribute to that. But I would say that my colleague suggested that perhaps some of us were, quote, "valiantly beating back growth." Right? That sounds like a sound bite to me, and that's not what I'm about with respect to this. And I don't believe that that's what my colleagues are about with respect to this. So, I think we all need to be careful with respect to how we talk about these highly charged sets of issues. And they are highly charged. We have a policy in place today that's at 105%. Do we want to change that to make it 110%? Perhaps something has changed that warrants moving in that direction. In the communities that I represent, the answer would be no. When we talk about real-world impacts, we have 5 school systems that will be affected in the real world with respect to this decision. That is, the difference between 105% and 110% matters in the following--Bethesda-Chevy Chase, Paint Branch, Northwest, Whitman, Wootton. Every one of those school systems will be affected by the decision we make today as to whether or not additional dollars will be provided to relieve at some point-- not if there's nothing built, of course. That's right. That's right. If there's nothing built, then either way, that--that cuts either way in this conversation. If this is totally hypothetical, why would you make a change? Right? So, that argument works for those of us that believe that we ought to keep the existing as well as those who believe we could change it, because you would suggest that there would be no new subdivisions built in any of these areas. I don't think that's the case, even in this slow economy. I do believe there's gonna be some new construction that's gonna go forward. So, it is on the margin. I agree it is on the margin with respect to the impact of this. But in my community, the Bethesda-Chevy Chase community that is affected by this, we have elementary schools that might be at 140% to 160% capacity today. Yet the average you see before you is 108.6. So, do I feel OK saying no, we need to keep it at 105%, because we have elementary schools that are so overcrowded it should not be tolerated. And we should collect dollars to ensure that in the future we have the resources to take care of it. Now, I understand that the school system believes otherwise and they ultimately make the call with respect to this, but I do think that this is--the current policy is the more appropriate policy given the wide fluctuations, as my colleague observed previously, within a cluster as to how overcrowded some of our elementary schools are. So, I don't think this is the time to make this change, and I understand the point of view and respect the point of view of those who differ. So, I don't think we need to have an ugly conversation about this. This is just a difference of a point of view and of the communities that we represent.

COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. Councilmember Floreen.

COUNCILMEMBER FLOREEN:

Thank you. Last summer, when the PHED committee got the information about potential moratoriums both here and issues with respect to mitigation for transportation purposes,



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we asked the--asked the Board of Education on the school side, well, how do we fix this? We're here to solve problems, I think. And we asked transportation people how to address the transportation side. We didn't really get an answer on the transportation side, but we did on the school side. But there's a lot of pushback from the school system on this subject and some resistance by other parties on the issue of how we address the moratorium concern because the Board of Education quite rightly says hey, that's our call. And we have bathrooms to fix and we've got modernizations to do that we don't want to have driven by what the Council says with respect to capacity issues that are not driving our overall objective as members of the Board of Education. And that's why I very much respect the differences in our responsibilities. The Board of Education's got to balance capital project needs within the community, and they're varied. All through the county. There are competing demands on the capital budget for, this, that, and the other thing. And I think it's important for us to respect the Board of Education's judgment on the calls it makes in terms of prioritizing school facilities. And the pressure, which is the unintended consequences of what we do, when we pick a number and appear to promise to the community that we're gonna solve their perceived problem when the Board of Education isn't there. And so Mr. Orlin alluded to this initially when he presented this matter to us, and I just ask that my colleagues keep that in mind. Capacity issues are not the only issues that the Board of Education is facing when it's looking at its capital budget. And I defer to my colleagues who have been through that process in spades in their tenure on the Board of Education. I'm sure they would agree with the current members of the Board of Education. The tension, especially on these school issues, is respect for the departments that ultimately bear responsibility for their capital budgets, and so I think it's really important for us to remember that when we pick a number, when we make a decision, it has--it sends a message and places a burden on our colleagues at the Board of Education. It forces them to choose priorities that are--at least to have to give greater value to priorities that aren't theirs necessarily. And so that's the challenge with this number, and that's why I think that the Board of Education's recommendation to us is one that we should really value.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen. Councilmember Ervin.

COUNCILMEMBER ERVIN:

Thank you. I just wanted to commend all my colleagues for all their comments, but in particular I would like to single out Councilmember Leventhal because he sits next to me and has sat next to me for 3 years, and the thing I like most about George is how honest he is about what we're dealing with right now. And when I was first elected 3 years ago and we were in the Growth Policy conversation, there was a lot I didn't know. And there's a lot of political ramifications to the decisions that we make at this dais. And some of it's real and a lot of it's just perceived. And whether or not we take this vote on 105% or 110%

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is almost a setup for those of us who-- and I think all of us here on this dais are trying to solve a problem, but what will we solve by voting for 105% over 110%? If this is about capacity, and I hope that I'm stating this in the correct way, because I did serve on the Board of Education prior to coming here, and that is that projects in these areas that are over 105%, the best that they're gonna see are some additions to classroom space. There's not gonna be any modernization, there's not gonna be any teardowns and rebuilds. It's just--the best you can get is a portable or maybe a classroom or two to ease some of the burden of the overcrowded situation. I tend to want to side with the Board of Education on this. I know that they deliberate long and hard on these issues. But I can tell you now that I think that Councilmember Leventhal hit this point head on, and that is we will be perceived by those--some in our community who believe that we actually have the authority and the power to curb the numbers of kids that are in these neighborhoods and that it is the fault of developers for building new developments when we know that that's clearly not been the case. It wasn't the case 3 years ago. George just read through a long list of projects which are down to very few. And so we're gonna take this vote and I think George is right. The majority is gonna vote for the 105% and at the end of the day, am I gonna feel good about that? I didn't feel good about it 3 years ago. I don't feel good about it right now. I know that my phones will be ringing off the hook based on what I vote right now, and that's why I ask the question in the real world, what difference does it make between 105 and 110? So, we're gonna take this action. Whether or not it's really gonna solve or resolve for the overcrowding in those clusters of schools, I can tell you right now that it's not going to make a difference. But we're telling people something different.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Ervin. Councilmember Elrich has the final light that I see before me.

COUNCILMEMBER ELRICH:

One light just went on. A couple of things I want to say. I think Nancy hit it on the head when she said the capacity issues aren't the only thing the school system's dealing with. And what you can deal with is a function of how much resources you have, how many resources you have. So I do think giving the school system more resources is a good thing to do. None of us are blaming anybody for putting people either on the road on in the schools. The issue is, they're there. How do you deal with them? We're supposed to be deciding where the adequate public facilities are and how are we going to achieve the adequate public facilities? So, this isn't about blaming anyone, it's about addressing how do we provide everybody with--or as many people as possible with some definition of adequate public facilities? I'll also point out Nancy, I think, introduced today with Mike a 4-year cycle on the Growth Policy, which I think is basically the direction we ought to be going in. But a 4-year cycle, I think all of us anticipate that we're out of the recession in 4 years. And you can take the curve that George gave you and you could have the curve

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marching down to--what was it, 41 starts was the last one? But the curve could also start going up and it could wind up at your high number at the end of 4 years. And if we move to a 4-year policy, which I think is a good thing and I think it helps depoliticize some of this stuff, I think you're gonna want the capacity. You don't want to be changing these rules every two years. It would be nice to get out of the habit of changing things every two years. So, I think it provides long-term stability and I think it accounts for where-- I think all of us hope the economy goes and we're not in the tank forever for the next 4 years. I think the issue about exactions is a double-sided issue. I mean, there are exactions on developers but frankly, there's the exaction we put on taxpayers and it's called taxes. And much, I think, with the opposition of everybody on this council, the taxpayers voted even more stringent limits on our ability to raise resources through taxes in the last election. So, if we're looking for signals about what people will tolerate, I think other people--our residents have sent us a signal that they're not willing to tolerate unlimited growth in taxes. And so if the money is not gonna come out of the development community and it's not gonna come out of the residents, then the greatest problem is it won't come out of anywhere and we'll wind up with problems that we can't solve because we don't have the resources to address them. So, I think this really is about trying to provide capacity. Hopefully the school system, if it had more money, would look at where they would spend the money a little bit differently. I can't imagine that more money wouldn't broaden the scope for projects you are able to do or give you the ability to manage your deficits in a different way. I can't imagine the school system really wants less money. That would be odd. So, I view this really as optimistically as giving you all the resources to better serve the residents of this county, and just to say that I don't--we--the collapse of the global economy is hardly the fault of Montgomery County's growth policies. I doubt if it's even a blip on what's happened in the global economy. So I'm going to support 105 and I think it's the best thing we can do right now.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Elrich. Councilmember Navarro.

COUNCILMEMBER NAVARRO:

I am really, really excited about this conversation. And, actually, I'm really surprised because wow, you know, there's a lot of history here, obviously, and as somebody who just went through two wonderful opportunities to deal with a lot of sound bites, I realize that, you know, on the one hand there's so much discussion about how all of this is really trying to control something that has everything to do with demand and with human behavior. And so we know already that it's imperfect, and I think we began to have that conversation. But what is striking to me is that, you know, we do have an opportunity. I mean, if the argument is that there is no difference but we do have an opportunity giving low constructions costs, and we have heard this time and again from the Board of Education, then I think it is appropriate to go with 105 and see if there are actually some

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opportunities there as well. And so I don't see it as such a difficult thing other than my disappointment that some of these issues have been framed in a way that has been absolutely imperfect. And I think my colleagues are right, that the notion that somehow we would simplify this message to the community that this is going to control overcrowding in the schools is absolutely insane, illogical, and wrong. Because we all know that in many of the areas where there have been overcrowding in our schools are areas that have not had any development. And it's about some other root causes that are gonna be very difficult to address, but I think we should get real and address those as well. So, yes, we have multiple dwellers in a lot of houses because people cannot afford to have--to purchase single-family homes, etc., and so that has created some issues. We have teachers sharing housing. There's a lot of other things. So, for me, this is just a small piece, and what motivated me to support the 105 is this notion that if construction costs are so low, why not take a look at that? And also the fact that it's gonna affect a very important cluster area in my district, and Paint Branch has been really, really patient for many, many years. And I know that this is at the elementary school level, but we've seen it throughout, and as a former board member, I've had to kind of see what we could do to appease that community and reward them for their patience. So, this is how I look at this, and I hope that as we move forward we actually take some--you know, hard look at what exactly is the point of all of this because as we--we'll get into our conversation this afternoon about other hopeful control mechanisms that we already know is absolutely imperfect. You know, we're gonna have to send some very strong messages, I think, to the community that it is impossible to try to control everything and that we will have to make adjustments and hopefully soon we'll have to take a look at this whole entire process because it is, as I said, just trying to fit a, you know, square peg into a round hole, and so we'll see where we go with it. Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Navarro. Councilmember Ervin.

COUNCILMEMBER ERVIN:

I promise this is my last point. We've been at 105% for two years now. Most of the clusters that you talked about, you know, we had this discussion two years ago and we are where we are. If 105% is the right number, tell me how well that's worked so far. It hasn't been-- I don't get the point. So.

COUNCIL PRESIDENT ANDREWS:

OK. All right. We don't have any more lights, so we're ready to vote on the amendment. Councilmember Trachtenberg.

COUNCILMEMBER TRACHTENBERG:

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Well, I feel obligated to provide a sound bite. I've been sitting here listening but no surprises, and I guess I'd just be very succinct, which is that, you know I looked at the list of schools that would be impacted and obviously looked at the school clusters in a broad way, and my bottom line here is just simply forgoing resources, potential resources, so I will support the 105.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you. OK. We are ready to vote on the amendment. All those in favor? The motion--the motion was to amend the committee recommendation to stay at 105% rather than to go with the committee recommendation of 110%. All those in favor of the amendment to go--stay at 105%, please raise your hand. That's Councilmember Navarro, Councilmember Elrich, Councilmember Trachtenberg, myself, Council Vice President Berliner. Opposed? Councilmember Floreen, Councilmember Knapp, Councilmember Ervin, Councilmember Leventhal. The amendment is adopted 5-4. And with that, we're going to break and go up to the fifth floor to meet with Montgomery College and we'll be back here at 1:30 for public hearings.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Duchy Trachtenberg



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1 COUNCIL PRESIDENT ANDREWS: Good afternoon, everybody, and welcome to the
2 County Council. We're sorry to keep you waiting. We will be starting the public hearing in
3 just a couple of minutes. If you have any written testimony--if you're testifying today, have
4 any written testimony--please give it to the clerk to my left. We're going to first have the
5 public hearing on the Ten-Year Comprehensive Water Sewer--Water Supply and
6 Sewerage Systems Plan, and then we will go on to the public hearing on the Drug
7 Enforcement Forfeiture Fund legislation. So we're very glad you're here to testify or to
8 listen to the testimony, and I'm going to momentarily turn the mike over to the chairman of
9 the T&E Committee, the Transportation, Infrastructure, Energy and Environment
10 Committee, who will conduct the public hearing on the Water Supply and Sewerage
11 Systems Plan. So...

12
13 COUNCILMEMBER FLOREEN:

14 Well, thank you very much, Mr. Council President. Good afternoon, ladies and gentlemen.
15 This is a public hearing on the amendment to the Ten-Year Comprehensive Water Supply
16 and Sewerage Systems Plan, water and sewer category change for Eglise de Dieu de
17 Silver Spring. Persons wishing to submit additional material for the Council's consideration
18 should do so before the close of business on Tuesday, November 24, 2009, and a
19 Transportation, Infrastructure, Energy and Environment Committee worksession is
20 tentatively scheduled for Monday, November 30, 2009, at 9:30 A.M. And we have 4 folks
21 who have signed up to speak. We have Joseph Berluche, Eglise de Dieu de Silver Spring--
22 come on up--Ross Lewchuk, Jacqueline Pierre-Louis, and Margaret Edmond. So if you
23 would like to take your seats--yeah. Under our process, you have 3 minutes to make your
24 comments, and there's a button there to press. When the red light goes on, your time
25 begins, and we ask you to limit your comments to 3 minutes. I'll make a note that at the
26 Transportation, Infrastructure, Energy and Environment Committee, we will--as necessary,
27 we'll have a full discussion of all the issues. So you can be assured that we will consider
28 your issues very thoughtfully. And with that, Mr. Berluch--Berluche. Did I get that right?

29
30 JOSEPH BERLUCHE:

31 Yes. My name is Joseph Berluche-- B-E-R-L-U-C-H-E--1415 Quebec Street, Hyattsville,
32 Maryland, 20783. I am the pastor of the L'Eglise de Dieu de Silver Spring. We have been
33 in Silver Spring for 15 years at the church, and we have been renting places to places. We
34 are looking for a property to build. We found 4800 Sandy Spring in Burtonsville. We found
35 that property, and we went first to go to find out if it is possible for us to build. We want to
36 Park and Planning, and they're looking at this address. They say that the zoning, it's OK
37 for us. And [indistinct]????? they say, it's OK, we can build. So the people are very
38 excited to have the house to worship because when we don't have any address, we go to
39 places to places. So we have senior citizen, we have young people, we have everybody
40 want--need, really, a place to worship. And we ask you if it's possible, and I know you will
41 help us to--to build that church. We are not a developer. We are the church, and we are in



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1 Silver Spring for 15 years, to helping people and do a lot of good work. So the church is
2 here with us to support us. We have the members to testimony. So we are here at this
3 moment, and we want to work for God. We really need this space. Especially when we
4 have a wedding, when we have a funeral, we struggle to find a place, and I hope, and we
5 pray, and before we purchase that land in July 2007, and we--we purchased that land,
6 and this is the place that people so happy, they really want to build the church there.
7 Thank you.

8
9 COUNCILMEMBER FLOREEN:

10 Thank you very much. Mr. Lewchuk.

11
12 ROSS LEWCHUK:

13 Yes. My name is Ross Lewchuk. That's L-E-W-C-H-U-K. I live at 2108 Linden Lane in
14 Silver Spring, Maryland, and that's Zip 20910. I have been associated with Pastor
15 Berluche since 1994. I'm currently a deacon and the music minister at the Silver Spring
16 Church of God, where I've been a member since 1986. I can say that Pastor Berluche is a
17 dedicated pastor. His church really is in need of property. They have been using our
18 facility since 1994. They started with just a few people--I think less than 30--and they've
19 grown phenomenally, and they really do need this space. I've assisted Pastor Berluche at
20 funerals, weddings, and various church functions--conventions that they have--and I can
21 testify in agreement with him that they really do need a space of their own, which would
22 make it much easier for them to do their work of ministry. They do a lot of work with young
23 people, encouraging them to do well in school and to be good, moral, upstanding citizens,
24 and I believe they're a great benefit to the community. I'm an honorary member of L'Eglise
25 de Dieu de Silver Spring. I have been with them on various trips, missionary trips, to
26 Montreal, Canada, where they have colleagues there, and they have an influence all
27 across the east coast of the United States, and I believe they're a very worthy endeavor, a
28 very worthy group--worthy of your consideration in this matter. I thank you very much.

29
30 COUNCILMEMBER FLOREEN:

31 Thank you, sir. Miss Pierre-Louis.

32
33 JACQUELINE PIERRE-LOUIS:

34 My name is Jacqueline Pierre-Louis-- Jacqueline--J-A-C-Q-U-E-L-I-N-E --Pierre-Louis--P
35 as in Paul, I-E-R-R-E-dash-L-O-U-I-S. I live in 12031 Milton Street, Silver Spring,
36 Maryland, 20902. I'm a member of the church, and I will love, will love to see if we can
37 build our church. The fact of the matter is, my mom, as a--she is very old. Every time, we
38 have to go different places to worship God. And I have a 3-year-old, as well, that, you
39 know--she's a member of the church, that sometimes when we are having functions, we
40 have to go different places. Sometimes there, sometimes here, sometimes there. It makes
41 things a little bit difficult for the old, for the elderly people. And as a member of the church,



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1 I would love to--I like to work with the church. I love--I love them. So with a place of our
2 own, we will be able to do a lot of things, like, you know the youth--teach them manners,
3 how to be a good citizen, and to be [indistinct] someone to be proud of. I love my pastor,
4 and I love my--I love them. And I will love for us to have a place we call our home, our
5 church, Eglise de Dieu de Silver Spring. Thank you.

6
7 COUNCILMEMBER FLOREEN:

8 Thank you very much, Miss Pierre-Louis. And finally, Miss Margaret Edmond.

9
10 MARGARET EDMOND:

11 My name is Margaret Edmond--last name E-D-M-O-N-D. I live at 13918 Castle Boulevard.
12 That's in Silver Spring, Maryland, apartment 204. I have been a member of the church
13 since 1998, and I love the church. I love being there. I used to work with the children
14 before, on Sunday school, but now I work with the adults, which I love to teach. I love to
15 teach them. We have been going from places to places, going to ICB, trying to find a
16 place, you know--from school to school. We have been like pilgrims, traveling all over, and
17 when it snows, we cannot worship. The place is closed. We really would like to have a
18 place to call our own, and when finally God opened the door for us at 4800 Sandy Spring
19 Road, we were very thrilled. This is an ideal location. We really would love to build our
20 own church to have a place where we can do everything we want to do. By renting places,
21 we have a certain time. It's like, you know, we cannot do everything. When we have
22 funerals, we have weddings, sometimes we don't even have places, you know, to have
23 the celebration or whatever needs to be done. We hope that you will grant us, you will
24 have consideration that at least we can build that church, our church dream, at 4800
25 Sandy Spring Road. Thank you.

26
27 COUNCILMEMBER FLOREEN:

28 Thank you very much, Miss Edmond. Doesn't look like there are any questions. Let me
29 ask Mr. Levchenko to work with the church community to make sure that they have what
30 they need to have for the committee meeting on--tentatively scheduled for November 30.
31 Thank you very much. Thank you, folks.

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK. Thank you, Chair Floreen, and thank you all for coming out to testify and to observe
35 the proceedings. As Chair Floreen mentioned, the Transportation, Environment,
36 Infrastructure, Energy Committee will take this measure up--scheduled to take this
37 measure up on November 30. I think it's at 9:30. I believe it's in the morning.

38
39 COUNCILMEMBER FLOREEN:

40 9:30. Right.



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1 COUNCIL PRESIDENT ANDREWS:

2 And so that's the next step in the process, and then the recommendation of the committee
3 would then come to the full Council for a decision. So that's--that gives you a sense of the
4 time schedule ahead. Again, thank you all for coming out. We're now going to--we have
5 one public hearing that in effect is being postponed. We have to open it officially, and
6 that's a public hearing on a resolution to adopt a Board of Health regulation requiring a
7 Health Impact Assessment for major road projects. This hearing has been postponed until
8 November 17, 2009, at 1:30 P.M. Our next public hearing is a public hearing on Expedited
9 Bill 35-09, Police-Drug Enforcement Forfeitures Fund amendments. This bill would
10 authorize the use of the Drug Enforcement Forfeitures Fund for drug prevention and
11 treatment programming and Drug Court operations, require the chief of police to report
12 quarterly to the Council concerning the revenue and expenses of the Drug Enforcement
13 Forfeitures Fund, and generally amend the law concerning the Drug Enforcement
14 Forfeitures Fund. Persons wishing to submit additional material for the Council's
15 consideration should do so before the close of business on Wednesday, November 4,
16 2009. A joint Public Safety and Health and Human Services committee worksession is
17 tentatively scheduled for this Thursday, November 5, at 2:00. We have 10 people signed
18 up for this hearing. I'm going to call people up in 2 groups. Each speaker will have up to 3
19 minutes to speak. If you have written testimony, please give it to the clerk to my left. At--
20 with 30 seconds left on your time, you'll see a yellow light go on, and then if the red light
21 goes on, please conclude your sentence if you're still speaking. And there may be
22 questions, so please stay at the table until all speakers have spoken. And with that, I'll call
23 up the first group, which will be Chief Tom Manger, representing the County Executive--
24 that's Montgomery County Police Chief Tom Manger; Captain David Gillespie, also
25 representing the department and the County Executive; Chief Ron Ricucci, who is of the
26 Takoma Park--chief of the Takoma Park police department; Judge Nelson Rupp of our
27 Circuit Court; and Pat Sullivan of the Alcohol and Drug Advisory Council. So, thank you all
28 for being here this afternoon, and we're going to begin with Chief Manger.

29
30 TOM MANGER:

31 Thank you. Good afternoon. I appreciate the opportunity to speak today about the
32 importance of the Drug Enforcement Forfeitures Fund, or DEFF, and its critical role in the
33 County's law enforcement efforts. The County Executive and I both support Bill 35-09, but
34 also believe that it's essential that the Council understand the original intent of the DEFF
35 and that the future use of DEFF be consistent with that original intent. As Chief Ricucci will
36 testify, the primary purpose of the DEFF is to provide funding for narcotics enforcement.
37 As stated in the Executive Regulation 7-92, which was adopted on December 24, 1992,
38 the original legislative intent was to give the Department of Police discretion to use the
39 funds for narcotics enforcement in the areas of investigations, training, and equipment.
40 The County Executive and I believe that this should remain the fund's primary purpose.
41 We are not opposed to making other programs eligible for DEFF funding, as long as



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1 sufficient funds are dedicated to combating drug-trafficking organizations operating in our
2 County and preying upon our youth and young adults. Narcotics enforcement must remain
3 the priority of the DEFF. The DEFF is a valuable source of income, and we must use it to
4 intelligent--must use it intelligently to help the County combat drug trafficking and make
5 our communities safer. Over the past 10 years, the DEFF has grown a great deal. Its
6 lowest amount during that time was 644,000 in Fiscal Year '02, and its highest amount
7 was 2.7 million in FY08. However, you should know that until FY07, the fund balance was
8 never more than 1.3 million. With operating costs over \$600,000 annually for the Special
9 Investigations Division, it's a relatively modest amount of money. In FY08, the DEFF
10 doubled from the previous year, with the intent to explore moving the Special
11 Investigations Division to a new, covert location. My staff was in negotiations with a real-
12 estate developer and had made significant progress before I decided that the move was
13 going to be too costly. Had it not been for carrying over moneys from the previous years
14 during that period, the DEFF fund balance would not be as high as it is today. In fact, the
15 average amount of new contributions to the DEFF over the past 12 years have been
16 about 1.2 million per year. As the County faces financial difficulty--difficulties, it's critical
17 that the Council look at various revenue sources to help defray the costs for programs that
18 are facing cuts. I support that line of thinking. However, we must remain steadfast and
19 uncompromising in our principles with regard to how the DEFF is used. There are also
20 federal regulations that prohibit supplanting the County's budget with DEFF, and we need
21 to make sure those regulations are kept in mind. In closing, the County Executive and I
22 are open to funding drug treatment and drug court programs when sufficient funds are
23 available in the DEFF. However, the fund must be able to fund the annual operating
24 expenses of SID before any moneys are spent for other purposes. This ensures that
25 DEFF will remain the primary source of support for narcotics investigations. I urge you to
26 allow the police department to maintain the discretion on how these funds should be
27 spent. I'm accountable for crime statistics and trends and need to have the ability to utilize
28 the funds to maintain a sustained effort to combat drug organizations from operating in our
29 County. Thank you.

30
31 COUNCIL PRESIDENT ANDREWS:

32 Thank you, Chief Manger. Our next speaker will be Captain Gillespie.

33
34 DAVID GILLESPIE:

35 Good afternoon. My name is Dave Gillespie, and I'm the director of the Special
36 Investigations Division. The mission of the Special Investigations Division is to arrest
37 those individuals using or selling controlled dangerous substances, to disrupt and
38 dismantle major drug-trafficking organizations, investigate organized crime, arrest violent
39 fugitives and those responsible for gang-related crime. The types of investigations we do
40 are often complex and require specialized electronic and technical surveillance equipment
41 and a variety of other tools. In order to have the resources to effectively conduct our

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1 investigations, the division relies heavily on the DEFF to pay for these necessary
2 expenses. As Chief Ricucci will discuss, the intent of the DEFF is to allow the police
3 department to use funds generated by seized assets to combat narcotic trafficking. This
4 includes training officers on how to conduct complex undercover investigations,
5 purchasing new technology to assist in these investigations, and covering the various
6 costs associated with conducting complex narcotics investigations. Although the DEFF is
7 mainly used to support the operating expenses for SID, it also supports a variety of units
8 throughout the department that contribute to narcotics enforcement, including the special
9 assignment teams, the police community action teams, gang unit, drug lab, training
10 academy, SWAT team, and more. As a result, these units are better trained and better
11 equipped. Each year, we get involved in significant cases surrounding narcotics trafficking
12 and organized crime. In 2007, we assisted the DEA in locating Zhenli Ye Gon, allegedly
13 the world's largest methamphetamine supplier. He was a fugitive from Mexico being
14 hunted by INTERPOL. It was our--and it was our Electronic and Technical Support Unit
15 with the Montgomery County Police that located him in a residence in Rockville. Recently,
16 our Major Offender Conspiracy Unit participated in an investigation involving individuals
17 associated with a Mexican cartel. They were supplying cocaine to residents of our County.
18 In addition, our Tactical Narcotics Unit is out on the County streets almost every night,
19 buying drugs from street-level dealers who prey on our community. These investigators
20 have a very dangerous job, and it is essential that they have the absolute best
21 surveillance equipment. The DEFF ensures that we have specialized training, state-of-the-
22 art technology, and superior equipment to keep our personnel safe. Every year when I
23 prepare our budget, I look at the needs of SID. We have annual operating expenses in
24 excess of \$600,000, and in FY10, it will--it may exceed 750,000. These expenses relate to
25 a variety of different programs and specialized needs that we have. While the DEFF can
26 be a valuable funding source, we must always keep our primary focus on disrupting drug
27 offenders, rather than seizing assets. If seizing assets was our goal, it would compromise
28 the integrity of our mission of keeping County residents safe. I'm not opposed to
29 expanding the law. However, it is important to note that these costs--I'm not opposed to
30 expanding the law to allow for the use of DEFF to help cover the cost for drug prevention
31 and other related programs, but it is important to note that the DEFF receives money from
32 3 different sources. 2 of them are federal. County funds make up 35% of our annual
33 seizures, and that number fluctuates from year to year. I will also say--and I know we're
34 running out of time--that the federal law limits the amount of DEFF that can--an agency
35 can use to support community-based programs to 15% of the total amount of shared
36 moneys received by an agency in the last 2 fiscal years. Regardless of whether this bill is
37 passed, I urge you to ensure that we are always able to use DEFF to pay for our annual
38 operating expenses in SID. Thank you.

39
40 COUNCIL PRESIDENT ANDREWS:



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1 Thank you, Captain Gillespie. The former U.S. Secretary of State Dean Acheson once
2 wrote a book called Present at the Creation, and I see Chief Ron Ricucci here, who used
3 to be the deputy chief of the County police, and I have a feeling he was present at the
4 creation of this, so...Just a guess, but good to see you, Chief Ricucci.

5
6 **RON RICUCCI:**

7 Good to be here. My name is Ron Ricucci, and I'm the current chief of the Takoma Park
8 police department. I retired as deputy chief of police in Montgomery County in 1995. In
9 1982, as a sergeant in the narcotics section, I was asked by Rose Crenca, then a member
10 of the County Council, to research asset forfeiture laws. Her request to me was based on
11 her concern for the drug problem in Montgomery County at the time. She felt there was a
12 serious problem and the County needed to do more. At that time, drugs were becoming a
13 serious problem nationwide. She felt we needed more money but knew there was only so
14 much money to be given to the police. My research indicated at that time several
15 jurisdictions in Florida had adopted forfeiture laws. Working with Councilwoman Crenca,
16 we drafted the current Forfeiture Law, which was obviously revised in '92. It was a unique
17 piece of legislation at that time. No other jurisdiction in Maryland had that type of law. The
18 Council passed the legislation with the intent that we would always have enough money
19 for drug enforcement. I served 13 years in the Special Investigations Division, the last 6 as
20 the director. This fund has kept the department on the forefront of the battle against
21 narcotics. Because of this fund, we were able to work high-level investigations which
22 impacted the flow of drugs into the County. As the director, when I was there, we had
23 formed a municipal task force which allowed the department to assist municipalities. It's
24 one of the reasons I'm here today--because they continue to support the municipalities
25 and to assist us. The intent of the law was for the police department to have discretion to
26 use the fund for narcotic enforcement in the areas mentioned previously--investigations,
27 training, and equipment. The expenditures had to be authorized by the chief of police or
28 his designee. Primary, the original purpose was to spend it on 3 components, which are
29 the same today. Investigations-- in order to conduct investigations, we need the funds for
30 officers to purchase drugs, pay informants, to work investigations, and to travel throughout
31 the metropolitan area. Training, which is probably the most important part in some
32 respects. Specialized narcotics training is critical because our officers must learn to
33 operate in an undercover capacity and gain experience in making critical decisions under
34 extreme stress. They must be prepared as a team to train together. This can be expensive
35 and is not something that the budget--a normal departmental budget can typically support.
36 In addition, there's technical training that's critical to the safety of our undercover
37 operatives. Training includes allowing officers to attend, participate, and conduct training
38 and professional meetings regarding drug investigations. The equipment that Drug
39 Enforcement Fund helps to purchase is a variety of surveillance equipment, wiretap, lease
40 equipment. With the numerous advancements in technology today, that is what DEFF
41 funds has bought. As technology continues to advance, it's critical that law enforcement

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1 maintain a state of art to help our investigators to combat drug traffickers operating in
2 Montgomery County. The intent of the fund in 1982 has been met and continues to allow
3 the Montgomery County police department to be at the forefront of narcotics
4 investigations. During my tenure in SID, we assisted other jurisdictions with drafting
5 forfeiture laws. Montgomery County paved the path. The amount of money saved to be
6 used in other areas as a result of this law cannot be measured after all these years. I want
7 to thank Chief Manger for the opportunity to speak here today. This obviously is a very
8 important topic to me. Since leaving Montgomery County, I've had the honor to be a chief
9 of police in 2 other jurisdictions and served as a public safety director. A question that's
10 always asked of me when I apply for positions is, "What is your proudest achievement?"
11 And I always answer it was the Drug Enforcement Forfeiture bill, because it has made a
12 difference in saving lives. This bill has given the Montgomery County police department--
13 my old department--the extra edge which has made a difference in the quality of life in
14 Montgomery County. I believe after all these years, it continues to serve that purpose to
15 protect our community from drugs. Training and equipping our officers to be the best and
16 keeping them safe is the ultimate goal. Taking money away from the police department in
17 difficult time could adversely affect our residents and our officers. The intent in 1982 by
18 Councilwoman Crenca was to make a long-term difference. She has, and her legacy lives
19 on in this legislation.

20
21 COUNCIL PRESIDENT ANDREWS:

22 Thank you, Chief Ricucci. Our next speaker will be Judge Nelson Rupp.

23
24 NELSON RUPP:

25 Good afternoon. Thank you for this opportunity to speak to you in support of this bill. As
26 you pointed out, I'm a judge. I'm a Circuit Court judge. I've been a Circuit Court judge now
27 for 13 years--a judge in total for 16 years. Prior to that, I was a prosecutor and a public
28 defender, and I'm here today to support the bill. For the last 5 years, I have been running
29 the Montgomery County Drug Court, and it has been a very successful Drug Court. 7
30 years ago, we started to design the Drug Court, and we designed it because frankly, the
31 traditional method of sentencing the nonviolent addicted offender just doesn't work. And
32 we recognized, that, and it's very frustrating to see the same person over and over and
33 over again, as I'm sure the police department can attest to, as well. The nonviolent
34 addicted offender does not change unless we devote significant resources to addressing
35 the problem of addiction. 80% to 90% of our crime is directly addiction-related, and if we're
36 able to stop the cycle of addiction, then we will correct the crime, and we can only stop the
37 cycle of addiction by addressing the underlying disease. And the way we do that through
38 Drug Court is that we have put together a disparate team of agencies and entities from the
39 State's Attorney to the Public Defender, law enforcement, Department of Corrections,
40 Parole and Probation, Health and Human services, and we've all worked together in order
41 to establish a Drug Court team. And we have identified and targeted individuals that we



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1 address as the--as the repeat repeat offender. We don't want the first offender. We don't
2 want the second offender. Those traditionally will be addressed through traditional
3 methods of--of rehabilitation by probation and other methods. We want the people who
4 have tried and failed over and over again because we put them through a rigorous
5 requirement. They have to do something every day for 18 months to 2 years. We switched
6 to night court. We're the only jurisdiction in the state that is at night. I volunteer my time to
7 do that because I believe this works. We have had 55 graduates from Drug Court. We
8 have had less than 10% recidivist rate, which is significant considering that our population
9 now of 64 Drug Court participants are all, 100%, repeat repeat offenders. This is the worst
10 of the worst. If you look at them, you would say they're losers and they're never going to
11 succeed. They are, in essence, an all-star cast from the Public Defender's office of people
12 that they have represented over and over again, and they are restoring their lives, their
13 positions in the community, by participating in Drug Court. We need the funding in order to
14 have sober housing for these individuals, because it's not enough just to be clean. They
15 have to change. They have to change where they live, they have to have a job, and they
16 have to change, and if they don't change--and I monitor them every week--and if they fail
17 to comply and our case managers catch them, if they come up positive for urines, they
18 come in and see me immediately, and I see them every week, and I see them at night, so
19 that there are sanctions imposed immediately for failure to comply. They're immediately
20 corrected. So it's a program that works. We need the funds to expand it, and we need the
21 funds to stop the cycle of addiction and to help these individuals change. And sober
22 housing is one of the areas of change. Expanding Drug Court through counseling and
23 case managers would help these individuals change, and it's been successful. You were
24 at our 7th graduation of Drug Court. Thank you.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Thank you, Judge Rupp. Our last speaker on this panel is Pat Sullivan, representing the
28 Alcohol and Drug Advisory Council.

29
30 PAT SULLIVAN:

31 Good afternoon, ladies and gentlemen. My name is Patricia Sullivan, and I am
32 representing the Alcohol and Drug Advisory Council. I'm the co-chair. And thank you for
33 allowing me to come in today and speak to you about this very, very, very important bill.
34 Treatment works. Treatment doesn't work all the time, but treatment for any other disease
35 does not work all the time, either. But it works often enough that it is starting to save our
36 communities. I've worked in the substance abuse treatment field for over 25 years, which
37 is almost half of my adult life, and I have seen the comings and goings of drugs and the
38 comings and goings of the drug of choice this day and that day. I've done this both in New
39 York state and here in Maryland for the last 3 years, and I have consistently advocated for
40 treatment and recovery for people who can do this and who do deserve this. The recent
41 recession has affected Maryland and Montgomery County, resulting in budget cuts across

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1 the board, and we all know that, and very important programs have been cut and will be
2 cut. Unfortunately, those areas are the same areas which are traditionally underfunded,
3 and they'll be getting less funding if we don't find a new creative way to fund these
4 programs. Yet addiction and its consequences will not go away. They will only get worse,
5 and the reality is that admissions in local treatment facilities are trending up. They are not
6 trending down. I work in a private local--I contract with a private local treatment facility,
7 where I do a family program and a young people's group, and I see the devastation day
8 after day. And these are people who have the money for a private program. They are not
9 the ones that need the public funds that we're talking about today. I'd like to talk about
10 some facts. Any further cuts in funding to Montgomery County will seriously, seriously
11 jeopardize the continuum of care, which is already seriously jeopardized. At the beginning
12 of the continuum, prevention is desperately underfunded. At the end of the continuum,
13 long-term care is just about negligible. We have 20 beds in this County, and while the
14 people that have these 20 beds do a wonderful job, 20 beds is not enough for all of the
15 people that need to be in treatment and need long-term care in order to recover. 28 days
16 or an outpatient program does not take care of these needs. Fact:
17 it is important to note that for every dollar that goes into treatment, \$7 of taxpayers' money
18 are saved, and this comes from the CALDATA study of 1994. Money is saved by
19 treatment. Over and over again, that has been proven. Due to funding year 2010
20 appropriation for Safe and Drug-Free Schools, Montgomery County schools are losing
21 federal support for this vital program. And what it ends up doing is essentially taking
22 prevention money out of the schools altogether. There just is not any money there for our
23 kids. What it's going to do--this is a huge mistake, and it is going to decimate our
24 infrastructure that's currently in place. And these are just a few of the consequences that
25 can happen here. There will be no prevention awareness in schools at all--kids just won't
26 learn about it--no student assistance in secondary schools, no alcohol and drug
27 intervention or staff development in the schools. When we--when the Council did one of
28 our public forums this past year, one of the main concerns of the citizens was prevention
29 in the public schools. What's going on? And this is with the full-fledged program going on.
30 What is it going to be without one? Heroin addiction has become a huge problem with our
31 youth in this community. I see it every day. I see it in treatment. I see it on the streets. My
32 fear--and working with parents whose children are addicted to heroin--my fear is that
33 what's going on in this County could escalate to what happened in Fairfax County. And I'm
34 not pushing the panic button here. I'm just stating what I know--that we are in trouble with
35 heroin with our youth. And if one person comes into the schools and starts selling it, these
36 kids get addicted like that. Very, very frightening.

37
38 COUNCIL PRESIDENT ANDREWS:

39 Thank you, Miss Sullivan. We can read the rest of the testimony, and I've allowed people
40 to go a little over because this might have well been an evening public hearing where
41 would have more time than we have this afternoon, and I wanted to make sure that we

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1 heard the--as much as we could, reasonably, in this time frame. There are some
2 questions, and I'll turn first to the lead sponsor of the measure, Councilmember
3 Trachtenberg.

4
5 **COUNCILMEMBER TRACHTENBERG:**

6 Thank you, President Andrews. And I want to thank all of you this afternoon who are here
7 to support the bill and even those who are coming and expressing some concerns about
8 the bill. I also want to acknowledge the generous support of many of my colleagues for the
9 bill. I think it's important as we begin to think about the bill and whether or not we vote for
10 it or against it, we need to put it into context, and as stated this afternoon in some
11 eloquent testimony, there are clearly concerns about the adequacy of treatment that is
12 available in this County. In fact, many studies that have been done over the years--those
13 studies from agencies like SAMHSA and NIDA--show that really less than 1/4 of those
14 that really need drug treatment get it, and that, I'm sure, as a national statistic is probably
15 no different an experience here in the County, and I certainly know that anecdotally
16 because of the work that I did in the community, specifically in the area of substance
17 treatment. But of course, the trend that Miss Sullivan speaks about, too--the increase in
18 need for treatment--that is particularly true for young adults under the age of 21, and it is
19 even true for seniors that are over the age of 55, and I would share that with my
20 colleagues. And in terms of the utilization of a Drug Forfeiture fund for treatment,
21 prevention, treatment, and Drug Court programming, there are many jurisdictions that
22 have done this over the years. They do it in Nashville. They do it out in Logan County,
23 West Virginia, just to name two. And it's not an oddity at all. I want to clarify different
24 components of the bill just so that those that are here this afternoon or listening to this are
25 clear about the intention. The purpose of the bill is to expand the definition of drug
26 enforcement to include both treatment and Drug Court programming. There is no earmark
27 that's provided in the bill. There are many jurisdictions that have passed similar legislation,
28 where an earmark has been provided. So this bill doesn't do that. It simply says when
29 we're talking about drug enforcement, let's include prevention, treatment, and Drug Court
30 programming in the mix. It doesn't take the authority away from the police chief, either,
31 and I know that the chief and I had a rather collegial and constructive conversation last
32 week about that--that there's nothing--there's no provision in this bill that takes the
33 authority from the police chief. It is just an opportunity to make funding available if it's
34 necessary. And given where we are with County dollars--but frankly, with state dollars as
35 well--I am of the opinion that this would be a common-sense approach, and I would take it
36 that my colleagues--many agree with me on that as well. And I would close my very brief
37 remarks this afternoon by using, actually, some of the language that's in the testimony that
38 was provided by Chief Manger. And you talk about how we must remain steadfast and
39 uncompromising in our principles with regard to how this fund is used and how it will best
40 support the goal of keeping our communities safe, and I daresay that I agree with that,
41 and it would also seem to me that prevention, treatment, and Drug Court programming are



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1 essential--essential if we're going to ensure the safety of the County that we all serve. So I
2 thank you all for being here this afternoon, and I look forward to the continued
3 conversation on this particular bill.

4
5 COUNCIL PRESIDENT ANDREWS:

6 OK. Thank you, Councilmember Trachtenberg. Councilmember Leventhal.

7
8 COUNCILMEMBER LEVENTHAL:

9 I know we're going to have a thorough discussion of this bill on Thursday in a joint
10 committee--Public Safety and Health and Human Services--and that is useful and helpful,
11 because the discussion we're having is right at the nexus between those 2 critical
12 functions--public safety and health and human services. Judge Rupp, I don't know if you'll
13 be joining us on Thursday, so I just wanted to really call you out for special praise and
14 appreciation for the leadership role you're playing. We're very lucky to have you on the
15 bench and to have you exactly at that nexus between law enforcement, criminal justice,
16 health and human services, and trying to address the basic needs that lead people in the
17 criminal justice system and how can we address those needs in a more effective way and
18 a more preventative way and spend less money up front so that we don't have to spend
19 more money later. And of course the other stovepipe in the system is the Department of
20 Corrections, which we know is our largest provider of mental health services, our largest
21 provider of substance abuse services--and at great expense to the taxpayers. So--so
22 again, we'll have this discussion on Thursday. Chief Ricucci, I live in Takoma Park. I
23 appreciate what you and your department do to keep my family safe. Chief Manger, I think
24 you're one of our very, very best department heads. You have my complete confidence. I
25 heard all 3 of the law enforcement officers here express a lot of reservations. Maybe you
26 didn't, you know--I know your official position, Chief Manger, is that you and the County
27 Executive support this bill, but no one would know that from the testimony that the 3 law-
28 enforcement officials here gave. You know, realistically, this bill will pass, and my hope is--
29 and of course, it's only permissive. It says that the police chief may use his discretion to
30 fund these programs. My hope is that this will open the door to a more constructive
31 conversation that will--that will reduce the amount of stove-piping here and increase the
32 amount of cooperation here, because it is clear that we can do a better job of fighting the
33 drug war. It's clear that we would all benefit from taking a new look at the demand side of
34 the equation, and that's a national dialogue that is playing out, and we would benefit from
35 having it here at the County level as well. So I'm glad to get the tutorial from our police
36 officials about how the Drug Enforcement Fund works, and you have our full confidence
37 and support, but once this bill passes, which is will, I hope that those who testified today
38 will not fight tooth and nail to prevent some of the money from going into the demand side
39 and some of the costs to be spent in small quantities up front to avert much larger
40 expenses downstream. We all know, as Pat Sullivan said, it's a continuum, and all of
41 these functions--Health and Human Services and addictive services and the court system

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1 and the police department and the Department of Corrections--are all linked and
2 connected, and we need to do a better job of making that connection and reducing the
3 demand side. If we can reduce the demand side, that will make the police's job safer and
4 easier. So--so having said on the record that you support the bill, Chief Manger, I hope
5 once the bill is enacted that you won't fight to prevent it from being implemented, that we
6 can all work together to understand the interconnectedness of these issues, because it's
7 very apparent. And I completely support the bill, and I associate myself with
8 Councilmember Trachtenberg's comments, as well.

9
10 COUNCIL PRESIDENT ANDREWS:

11 All right. Thank you, Councilmember Leventhal. Council Vice President Berliner.

12
13 COUNCIL VICE PRESIDENT BERLINER:

14 And as chair of the HHS Committee said and as the chair of MFP and the lead sponsor of
15 this bill has articulated, this is a very important conversation. We'll have it again on
16 Thursday. I wanted to also commend you, Judge Rupp, for your service to our County.
17 Your statistic that I found very compelling was that even in the repeat repeat offender
18 category--the worst of the worst, as comes close to how you described it--we only have a
19 5% recidivism rate. Is that correct?

20
21 NELSON RUPP:

22 10%.

23
24 COUNCIL VICE PRESIDENT BERLINER:

25 10%. So 6--you had 65 individuals in that category, and something--about 6 or 7 of them
26 fell off the track. Wow. I really--I find that to be a striking statistic and one that you should
27 be so proud of and that this community should be so proud of. And, Miss Sullivan, I just
28 want you to know that, I'm sure my colleagues and I read the article in The Washington
29 Post--was it yesterday?--with respect to the tragedy in Centreville that was beyond the
30 beyond. For someone like myself to see these kids and think of them on heroin, it was
31 really--I've got a teenager. It just was so frightening, so anything we can do to ensure that
32 that does not happen here, we simply have to do. So I--I don't want to take our time now.
33 We've got a lot of business. But I thank the lead sponsor of this bill for this incredibly
34 important effort.

35
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you, Council Vice President Berliner, and thanks to each of you for your excellent
38 testimony, and I second all the comments that were made about Judge Rupp, and his
39 leadership has been critical.

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 You're blushing.

2
3 COUNCIL PRESIDENT ANDREWS:

4 I mean, it would not have--

5
6 NELSON RUPP:

7 A lot of people working together. It's not just me.

8
9 COUNCIL PRESIDENT ANDREWS:

10 That's true, but it also took someone who has been willing to do what you've done and
11 devote the time to it to make it work the way it has. So thank you. And we'll see some of
12 you, I'm sure, on Thursday, and thank you all for the points that you made and the
13 testimony, and we're now going to go on to the second and final panel on this bill, and that
14 is--will be Eric Sterling, speaking as an individual; Charles Hardy, representing
15 Strengthening Families Program; Roger Larson, representing KHI Services, Incorporated;
16 Linda Dyson, speaking as an individual; and Desiree Washington, speaking as an
17 individual. Again, if you have written testimony, please give it to the clerk to my left. Before
18 you begin your remarks, please push the button to your left to turn the mike on and
19 introduce yourself. The yellow light goes on with 30 seconds to go, and our first speaker
20 will be Mr. Sterling.

21
22 ERIC STERLING:

23 President Andrews, thank you very much. I'm Eric Sterling. I live in Chevy Chase. I have a
24 prepared statement. Hopefully, the members have had a chance to see it. I also serve on
25 the County's Alcohol and Other Drug Abuse Advisory Council, as a representative of the
26 legal profession. And I worked on the forfeiture issues when I worked for the U.S.
27 Congress in the 1980s. I'm the president of the Criminal Justice Policy Foundation in
28 Silver Spring. I'm not speaking on behalf of that organization, but as an individual in strong
29 support of the bill. The--I think that the reasons for the bill have already been laid out
30 pretty well. The key point is that drug treatment reduces crime. Drug treatment
31 complements what the police do. In the hearings that I set up for the House Judiciary
32 Committee in the 1980s, I organized the testimony of John Lawn, the head of DEA,
33 Francis Mullen, the head of the DEA, and when we asked them how would they spend
34 additional resources if they had them, they said, "We would spend it on prevention and on
35 treatment. If you have an extra dollar, Congressman, spend it on prevention and
36 treatment." And I encourage you to follow that kind of advice as you move forward here.
37 The Alcohol and other Drug Abuse Advisory Council, at its meeting on September 10,
38 2009, heard about this and adopted the following resolution. "Whereas, addiction
39 treatment is crime prevention, therefore be it resolved that the Montgomery County Drug
40 Enforcement Forfeiture Fund regulations be amended to include as an authorized use of
41 funds for drug abuse treatment and prevention services." As Pat Sullivan noted, our Safe

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1 and Drug-Free Schools funds are going to be cut off from the federal government, and so
2 being able to perhaps use the Forfeiture funds to support that program in the Montgomery
3 County public schools would be extremely valuable. So I will yield back the balance of my
4 time. Thank you very much.

5
6 COUNCIL PRESIDENT ANDREWS:

7 Thank you. That is appreciated, and thank you for your comments and your written
8 testimony, as well. Our next speaker will be Charles Hardy.

9
10 CHARLES HARDY:

11 Yes. My name is--Councilmembers, my name is Charles Hardy, and I am the Vice
12 President of the Outpatient Addictive Services Alumni Association, and I am here to
13 support the bill. I strongly support Bill 35-09. I'm going to go against the--divert from
14 written testimony and just give you some simple--my simple experiences with my
15 involvement and my support of this bill, and I would like to actually start from the bottom
16 up. I am a recovering addict, and I have been the benefactor of the drug prevention
17 programs here in the county of Montgomery. And I don't speak today as a--as a victim. I
18 speak today as a volunteer, and there's a very--a very important part of the equation that
19 actually had been left out of the testimonies, and that is, you know, the victims. And
20 supporting this bill, supporting educating these victims and allowing them to understand
21 that there are other ways out of peer pressure, of being--of having those feelings of being
22 inadequate. And I'm just only speaking from my experiences. These are some of the
23 things that attracted me to substances. I am a volunteer of the Strengthening Families
24 program, and each and every Tuesday, which I'll be going to volunteer shortly, I see
25 preteens, adults--young adults, right, who are actually struggling with these... what you
26 would call these skeletons, these ghosts in their closets. Right? You know, these--and
27 experiences. They actually don't even know exactly what they have gotten themselves
28 into. You know? And I believe that some of these moneys, right, like, you know, could be
29 actually and continuedly put into education--educating these individuals to allow them to
30 understand, right, that, you know, that there is another way out, rather, you understand,
31 than becoming--becoming addicted to drugs. I talk to some of these individuals, right, and
32 we discuss our dreams, hopes, and aspirations. And, you know, their dreams, their hopes
33 and aspirations, none of these teens, none of these adults ever, you understand, say that
34 they wanted to grow up to be drug addicts. None of them. You know? So, they, you
35 understand, was just blindsided by, you know, the lack of the experiences. And I just hope
36 you understand, you know, that, you know, this bill will actually allow, in a sense, some of
37 these fundings to go into educating these individuals, educating our society, so that we
38 can start maybe from the bottom up, rather than the top down. Thank you.

39
40 COUNCIL PRESIDENT ANDREWS:

41 Thank you, Mr. Hardy. Our next speaker will be Roger Larson.

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1
2 **ROGER LARSON:**

3 Thank you. My name is Roger Larson. I'm the chief executive officer of KHI Services, and
4 I'm here to support the bill. KHI Services began providing alcohol and substance-abuse
5 counseling and education services in Montgomery County in 2001 as part of a contract
6 with the County's Department of Health and Human Services. KHI Services and Suburban
7 Hospital currently provide similar Level 1 outpatient services. During the past 8 years, our
8 Step Ahead Program has served 758 youth in a 6-month counseling program and 662
9 youth in a 6-week education-only program. 69.6% of youths successfully completed
10 counseling programs, while 73.7% successfully completed education-only programs.
11 These results are positive, but much more needs to be done. During the past 2 months,
12 we've received 30 referrals for our adolescent counseling program and 45 referrals for our
13 adolescent education-only program. Our contract calls for us to only serve 25 youth, which
14 was reduced in this fiscal year from 50 in the counseling program at any one time. We
15 currently serve 47 youth, with 22 more waiting for assessments and admission into the
16 program. Evidence shows Drug Court successfully serves this population, but the
17 community need is far greater than the capacity of Drug Courts alone. We have a license
18 for intensive outpatient counseling programs, which require a greater commitment to
19 treatment on the part of the client and family and more cost for our programs. We have
20 not implemented an intensive outpatient program because we have not had start-up
21 funding. And yet, to my knowledge, the County only has one intensive outpatient program.
22 That's Journeys. The northern half of the County is growing rapidly, and intensive
23 outpatient services are desperately needed. No doubt the Montgomery County Police
24 Department would benefit from the use of moneys obtained through the apprehension and
25 conviction of drug dealers, but what better way to use drug-trafficking money than to give
26 it back to the community through alcohol and drug treatment programs for youth--the very
27 individuals affected most by the sale of drugs and alcohol? Montgomery County contract
28 provides financial support for a portion of our budget but is not sufficient to balance the
29 program budget. Families are struggling to put food on the table, let alone pay for drug
30 treatment. Over half the youth we serve either have medical assistance insurance or no
31 insurance at all. The combination of income has not been sufficient for us to make ends
32 meet. Our Step Ahead Program budget has been supported by fundraising efforts, which
33 have significantly decreased over the past 4 years. We offset the shortfalls of the program
34 with retained earnings gathered from other programs we operate, but those programs no
35 longer provide the funding needed to support the Step Ahead Program. Captured funds
36 from police drug raids could stabilize our program financially and allow us to expand our
37 services with much needed intensive outpatient services. KHI Services urges you to
38 support legislation to utilize seized drug money for treatment for individuals with alcohol
39 and substance abuse problems.

40
41 **COUNCIL PRESIDENT ANDREWS:**



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1 Thank you, Mr. Larson. Our next speaker is Linda Dyson.

2
3 LINDA DYSON:

4 Good afternoon. My name is Linda Dyson, and I would like to speak out for substance
5 abuse and mental health treatments. I've been struggling with substance abuse for over
6 20 years. I've been in and out of jails and released and going back to the same things,
7 getting the same results. Recently, I did 110 days at the Montgomery County Correctional
8 Facility and entered into the JAS program, which is Jail Addiction Services, to address my
9 addiction and was referred to Avery Road Combined Care, where I am addressing my
10 addition--addiction, as well as my mental issues. Since being in the program, I have
11 learned that I can live better without drugs and alcohol. My life is moving in a positive
12 direction now. I even got a job opportunity yesterday from Montgomery Works. There are
13 so many others behind me who are incarcerated and on the streets who want and need
14 treatment. Please consider funds for substance abuse and mental health programs. There
15 are so many people that are dying and suffering from this disease of addiction.

16
17 COUNCIL PRESIDENT ANDREWS:

18 Thank you, Miss Dyson. Is Miss Desiree Washington here?

19
20 UNKNOWN SPEAKER?????:

21 No.

22
23 COUNCIL PRESIDENT ANDREWS:

24 OK. All right. We have a couple of Councilmembers who have a question or comment.
25 Councilmember Trachtenberg.

26
27 COUNCILMEMBER TRACHTENBERG:

28 Thank you, President Andrews. I want to thank the panel for coming this afternoon to
29 provide testimony, but in particular, I want to acknowledge Miss Dyson, and I want to
30 thank you for sharing your personal journey, your story of recovery, and I know that I
31 speak for everyone in this room and everyone on this dais when we wish you the best in
32 your recovery, and we thank you for having the courage of sharing your personal story
33 this afternoon. Thank you.

34
35 COUNCIL PRESIDENT ANDREWS:

36 Yes. Well said. Thank you. Thank you all for your testimony. There are no other questions
37 at the moment, so appreciate you coming out, and if you have written testimony that you
38 haven't had a chance to give to the clerk yet, please give it to her, or you could mail it, as
39 well. Thank you. That concludes that public hearing, and now we'll go on to Item 15 before
40 we go back to the Growth Policy. We have a public hearing, but with no speakers on this
41 item, and we will have a vote immediately after on the appropriation. This is a public



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1 hearing on a special appropriation to the Montgomery County public schools' FY10 Capital
2 Budget and amendment to the FY09-14 Capital Improvements Program of \$151,000 for
3 planned lifecycle asset replacement. Action is scheduled immediately following this
4 hearing. There are no speakers for the hearing, so the hearing is closed. This is a
5 measure that--the source of which is state aid, Qualified Zone Academy bonds. And I
6 believe we'll need a motion...

7
8 COUNCILMEMBER TRACHTENBERG:

9 So moved.

10
11 COUNCIL PRESIDENT ANDREWS:

12 ...from the Council since it's going directly to the Council. So, it's moved by
13 Councilmember Navarro--or Councilmember Trachtenberg. Seconded by Councilmember
14 Navarro. Very good. Any discussion? Seeing none, all those in favor of this appropriation
15 of \$151,000 for planned lifecycle asset replacement--source, state funds--please raise
16 your hand. And that is Councilmember Navarro, Councilmember Elrich, Councilmember
17 Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner,
18 Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. The
19 special appropriation is approved, 9-0. That concludes our public hearing and action on
20 them, and now we're going to return to the worksession with votes on the 2009-2011
21 Growth Policy. We're coming back. We're about halfway through the school items, I
22 believe, and so we'll pick up right where we left off. And that, I think, is Item 5 on page 3 of
23 the packet. So, Mr. Knapp.

24
25 COUNCILMEMBER KNAPP:

26 I was going to say, we'll keep moving right down the dais. Dr. Orlin. We'll pick up on Item
27 5--grandfathering.

28
29 GLENN ORLIN:

30 Right. The committee unanimously recommends no grandfathering of applications
31 submitted within 12 months of a moratorium.

32
33 COUNCIL PRESIDENT ANDREWS:

34 All right, and there are no comments on that, so the Council supports the committee
35 recommendation on Item 5.

36
37 GLENN ORLIN:

38 The committee also unanimously recommends against allowing transfers of school
39 capacity from an approved subdivision to one yet--a proposed subdivision within the
40 cluster.

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1 COUNCIL PRESIDENT ANDREWS:

2 OK. Seeing no lights, the Council supports the committee recommendation on Item 6.

4 GLENN ORLIN:

5 And this actually isn't in the Growth Policy. The school system had recommended using
6 School Facility Payment for any school capacity project in the County. The committee
7 unanimously is against it.

9 COUNCIL PRESIDENT ANDREWS:

10 No opposition there either, so the Council supports committee recommendation on Item 7.

12 GLENN ORLIN:

13 That's the school test.

15 COUNCIL PRESIDENT ANDREWS:

16 OK. All right. We move on to Policy Area Mobility Review and Local Area Transportation
17 Review.

19 GLENN ORLIN:

20 Before we get started on this, I need to go through a few items just before we actually go
21 through the voting. First of all, Planning staff yesterday went through and looked at all the
22 numbers in the chart in the middle of page 4 again to check the calibration of the
23 numbers, and there are a couple of changes--not major at all. Option 6--if you take your
24 pens out, Option 6, North Bethesda should be 20%, not 30. Same thing is true with Option
25 6 Modified. It should be 20%, not 30.

27 COUNCIL PRESIDENT ANDREWS:

28 Where are you?

30 GLENN ORLIN:

31 Page 4.

33 COUNCIL PRESIDENT ANDREWS:

34 Page 4. OK.

36 GLENN ORLIN:

37 The chart Mitigation Requirements.

39 COUNCIL PRESIDENT ANDREWS:

40 Yes. OK.

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1 GLENN ORLIN:

2 Under Option 6, North Bethesda, instead--it says they're at 30%. That should be 20.

4 COUNCIL PRESIDENT ANDREWS:

5 OK.

7 GLENN ORLIN:

8 And the same thing is true with Option 6 Modified for North Bethesda. It should be 20, not
9 30. And finally, back on Option 6, the second-to-last column, Potomac should be 60, not
10 70. Otherwise, the numbers are--are correct.

12 COUNCIL PRESIDENT ANDREWS:

13 OK.

15 GLENN ORLIN:

16 Then there are some follow-up items from the last meeting, going back to pages 1 and 2.
17 The--Councilmember Trachtenberg had asked how many projects would be affected by
18 the various PAMR proposals under consideration. The staff really couldn't do that because
19 it would mean they would have to know what's actually coming that hasn't been submitted
20 yet, and they don't know, but what they were able to do was answer a related but
21 different--a different question is, what if you had--what if the each individual option had
22 been in effect since the beginning of 2007, when the Growth Policy was in effect--last
23 Growth Policy was in effect? And you see a chart on page circle 4, which shows how
24 much development--or how many trips would have been mitigated according to the
25 percentages under each of these options, and assuming \$11,000 per vehicle trip in the
26 peak hour, what would that have translated to in terms of either revenue or value for each
27 of the 6 options? And that would give you at least a way of comparing the--the relative
28 impact of these. So you see--you see those numbers, and they range from as low as \$10
29 for Option 6 Modified to as high as \$34.11 for Option 5. And that's over a 2.5-year period.

31 MICHAEL FADEN:

32 Those are millions.

34 GLENN ORLIN:

35 What did I say? Oh, did I say thousands?

37 MICHAEL FADEN:

38 You just said dollars.

40 GLENN ORLIN:

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1 Oh, dollars. Sorry. Yeah. Those are millions of dollars. \$10 million--sorry. \$10 million for
2 Option 6 Modified, and 34 million for Option 5. That's over a 2.5-year period. If you were to
3 project that over a year--maybe that's the course of how long this next test will be in effect--
4 -then it would be 40% of that. It would be a higher or lower than that, depending on how
5 much development you think is really going to happen in the next year. If you think it's
6 higher, a faster pace than the last 2.5 years, then it would be a higher number; lower
7 pace, lower number. And then finally, Mr. Elrich had asked for more background on the
8 Planning staff's recommendation--Planning Board's recommendation and structure,
9 actually, of the PAMR chart, particularly having to do with the--the rationale for the
10 boundary point between Level of Service E and F for Relative Arterial Mobility. And for
11 this, you look at circle 5. This is data that is taken out of the Highway Capacity Manual,
12 and this was developed by Dr. Winnick????? a couple of years ago in--in preparation for
13 what was eventually approved by the Council as part of PAMR 2 years ago. And what you
14 see there is bars representing each of 4 different types of arterials, Class 1 being the
15 fastest of them. We have one comparable one, which is US 29 in Fairland, but most
16 arterials in Montgomery County are either, like, Class 2, 3, or 4, where the average
17 speeds are 40, 35, or 30 miles per hour. And what Park and Planning did back then,
18 brought to the committee, what went back to the Council in terms of the boundary points
19 was to look at the break points between A and B, and you see that, by just scanning your
20 eye, the average of those 3 bars--2, 3, and 4--is about 85%. If you include partly--figure in
21 Class 1, it's about 85%. And they work their way down in 15% increments, so between B
22 and C, 70%, arguably, is a borderline, although 4, the boundary point was even lower.
23 Then below that, 55% was what was used between C and D, and then for that 40%, which
24 is between D and E, which you see. And what they had done was--then, say, another 15%
25 down to the boundary point between E and F. Well, look at those bars. You could make
26 the point, well, maybe it really shouldn't have been 25; maybe it should be 30, in which
27 case, you'd draw the charts a little bit differently. It would have very little effect on--
28 actually, it wouldn't have any effect, because we checked afterwards, on the mitigation
29 values on page 4, but it would describe the crossing point between E and F differently. So
30 that's all follow-up between--from the last meeting. And unless you have questions, we'll
31 go to the votes.

32
33 COUNCIL PRESIDENT ANDREWS:

34 There is a question, at least from Councilmember Elrich. Councilmember Elrich.

35
36 COUNCILMEMBER ELRICH:

37 Yeah. I would make a couple of comments about this. One thing, this is, like--there are
38 national standards, hard as it may be to believe, in the Highway Capacity Manual used by
39 the state of Maryland and virtually every other state in the union, and a Level of Service D
40 is 40%. A Level of Service E is 33%. That may be revised in the 2010 Highway Capacity
41 Manual. And below Level of Service--below 33% is Level of Service F. That's the

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1 standard. The fact that things that got made up earlier--when you're talking about, you
2 know, free-flow speed or arterial speed, there are real things we can compare it to and
3 real things that are used elsewhere in the country, and I think it's critical to keep that in
4 mind, because we, you know--as a policymaker, I'm trying to figure out whether this stuff
5 makes sense, and I have to reference--at least I try to reference what other people are
6 doing and try to figure out how this fits in the real world, and it's troubling when there's this
7 divergence. I asked--as you might expect, I've had conversations with transportation
8 engineers, and I asked the question about the even distributing--you know, distributing it
9 at 15% increments all the way down, and they said the reason that the Levels of Service
10 don't break in even increments all the way down--if you'll notice, the D interval is 10 points,
11 the E interval is 7 points--is that as roads get more congested, they don't congest linearly.
12 It's more of an exponential thing, and so they don't--you know, it's not like each
13 percentage degradation equals a, you know, something you can see on the road. It
14 actually gets worse much faster, so there's a logic for the 7-point spread between E and D
15 and a logic for the 10-point spread between D and C. And so I'm glad there's an
16 explanation for it, but it doesn't make it a good explanation. I'd add similarly that the chart
17 at the bottom, the lower axis--that doesn't exist out there in the real world. I mean, there's--
18 there are other measures that are based on origin and destination pairs and their total trip
19 time, but they're not comparisons of free flow speed. And I'll just add that in my--my
20 wanderings around and wondering what people think about all this stuff, I found--I was
21 directed to go look at the Florida Department of Transportation. And in their 2009 Quality
22 and Level of Service Handbook, this is what they say about combining different modalities
23 for Level of Service. It says, "Noteworthy, Florida DOT does not recommend combining
24 the LOS for each of the modes into one overall LOS for a roadway for many reasons. 4
25 major cautions about combining the LOS for each of the modes into one overall LOS
26 grade exist." And this is the key one, number 1. "The first concern is there's no
27 professionally accepted or scientifically valid technique for combining Level of Service for
28 the various modes." No professionally accepted or scientifically valid technique. So to
29 have a Growth Policy based on something for which there is no professionally accepted
30 model or scientifically valid model is a problem. And the last concern is--the last major
31 concern is that the purpose and travel patterns of each of the modes are generally
32 distinct, and in fact, County DOT told me there are some modes that aren't even counted,
33 or some trips that aren't even counted, because you can't get from some Point A's to
34 some Point B's. And it says, "Combining the LOS of each mode is like mixing apples and--
35 " they say oranges. I say wolverines. But, you know, there's a reason why I think the
36 majority of the--I mean, all the PHED Committee wants to get rid of this test.

37
38 COUNCILMEMBER FLOREEN:
39 Mixing what?

40
41 COUNCILMEMBER ELRICH:



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1 Apples and wolverines.

2
3 COUNCILMEMBER FLOREEN:
4 Is that in Michigan?

5
6 COUNCILMEMBER ELRICH:
7 I hadn't even thought about that. Or apples--Washington state? But the point is, I mean,
8 this test really is not a valid measure. It's not accepted anywhere, and I think the Council
9 is committed to getting rid of it. But the thing is, we need to get rid of it as soon as
10 possible, and that's why, you know, I look forward to the Executive coming back in March
11 with something vastly different, based, I trust, on national models that everybody can look
12 at, whether you're sitting from where I am or sitting as a resident or sitting as a developer
13 and being able to make some sense of what's required. But--so I'm glad there's an
14 explanation. It's just not what I was looking for.

15
16 COUNCIL PRESIDENT ANDREWS:
17 Thank you, Councilmember Elrich. Councilmember Leventhal.

18
19 COUNCILMEMBER LEVENTHAL:
20 OK, Councilmember Elrich, if we all agree that PAMR is not working really well, but we
21 don't know exactly how to fix it and we're waiting for a recommendation to come back so
22 that we can completely revamp it, why change it now at all? Why--what is the argument
23 for column 3--Option 5?

24
25 COUNCILMEMBER ELRICH:
26 Because I was acting--

27
28 COUNCILMEMBER LEVENTHAL:
29 Let me just say, for the benefit of all of us, I love the fact that these columns are not
30 numbered consecutively. Just--just in case you thought that anything about this might be
31 simple or easy to understand, column 3 is Option 5. Just to be clear.

32
33 COUNCILMEMBER ELRICH:
34 Just to be clear.

35
36 COUNCILMEMBER LEVENTHAL:
37 Just to make it even clearer.

38
39 COUNCILMEMBER ELRICH:
40 So can I explain my reason for that?

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1 COUNCILMEMBER LEVENTHAL:

2 Briefly.

3
4 COUNCILMEMBER ELRICH:

5 Very briefly. I was of the belief of leaving this thing alone altogether until we got back to--
6 until we got the Executive's report and we had the chance to really do a more thorough
7 review of it. That would have been my first preference. I was persuaded that some people
8 wanted to tinker, and I thought the tinker there was to deal with this almost all or nothing
9 or the mitigation scale, which forces some people to do 100 mitigations--100% mitigation
10 for things that don't appear to need 100%, where it's hard it was hard to justify the 100%
11 mitigation. So, George, I was actually trying to come up with something that was fairer and
12 would be less onerous because I didn't see any point in inflicting the pain for a test that
13 didn't seem to have much meaning. So I was supporting where Mike was going, and I
14 think the other members of my committee were going, where--at least to try to get
15 gradations.

16
17 COUNCILMEMBER LEVENTHAL:

18 For those of us who aren't on the committee, if I may--

19
20 COUNCILMEMBER ELRICH:

21 Yeah.

22
23 COUNCILMEMBER LEVENTHAL:

24 You didn't vote with Mike. I'm just trying to follow the discussion.

25
26 COUNCILMEMBER ELRICH:

27 I didn't vote with Mike because they dropped the Level of Service to 25% of free flow
28 speed, which I really do object to. I think that's the wrong standard to set in the County. If
29 we had left it at D but gradated the amount of mitigation so that we weren't unfairly asking
30 for mitigation, I would have been happy with that.

31
32 COUNCILMEMBER LEVENTHAL:

33 Yeah. OK. I mean, the rest of us who didn't--

34
35 COUNCILMEMBER ELRICH:

36 I would have left it along altogether if I could have.

37
38 COUNCILMEMBER LEVENTHAL:

39 The rest of us who didn't benefit from the--you know, entertaining conversation in
40 committee are now stuck with--you got 3 committee members who don't agree with each

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1 other, and so there isn't really--there isn't really a recommendation before us. You got 6--6
2 different columns here, options.

3
4 COUNCILMEMBER ELRICH:
5 Roger has a compromise which I think is interesting.

6
7 COUNCILMEMBER LEVENTHAL:
8 Well, here again, that makes it more confusing, not less.

9
10 COUNCILMEMBER ELRICH:
11 Let's leave it alone.

12
13 COUNCILMEMBER LEVENTHAL:
14 Does the Planning Board want to respond to--Well, that's the question. Why not just leave
15 it alone?

16
17 COUNCILMEMBER ELRICH:
18 I'm there.

19
20 COUNCILMEMBER LEVENTHAL:
21 Does the Planning Board want to respond to Mr.--

22
23 COUNCIL PRESIDENT ANDREWS:
24 Well, hang on. Hang on. This is--this is the time to have a debate about this, and that's
25 good, and there's certainly a--I think there's a strong argument for leaving it alone, given
26 that the Executive has indicated that he expects to be back to the Council with a proposal
27 by the end of March, but there are other views on the Council, and this is the time to hear
28 them. So, Councilmember Floreen is next.

29
30 COUNCILMEMBER LEVENTHAL:
31 Could I just--I'm sorry. While I still have my light on, Mr. President, I did want to ask the
32 Planning Board...

33
34 COUNCIL PRESIDENT ANDREWS:
35 All right. Go ahead.

36
37 COUNCILMEMBER LEVENTHAL:
38 ...to respond to the points that were made, and I also do want to ask, does anyone think
39 that receiving the report right in the middle of our consideration of the budget during an
40 election year is likely to lead to a good traffic management policy?

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1 COUNCILMEMBER ELRICH:

2 Yes.

4 COUNCIL PRESIDENT ANDREWS:

5 I think--I think it...I think there's--I think there's a good chance that it would lead to
6 something better than what we have, which might not be hard to--which I think is very
7 possible to do. So I think it's possible, yes.

9 COUNCILMEMBER LEVENTHAL:

10 Does the Planning Board want to address some of the suggestions that have been made?

12 DAN HARDY:

13 For the record, Dan Hardy, Planning Board staff. I think Councilmember Elrich made 3
14 points about the process itself that I would like to address briefly. One, you mentioned that
15 there are standards in the TRB documentation. You actually handed out a piece of paper
16 last time that had those standards, and what is shown on the circle chart we've been
17 talking about, circle attachment 5, is those standards in graphic form. So the fact that
18 Level of Service criteria vary by type of road is one of the things that we did deal with 2
19 years ago as we established the Policy Area Mobility Review. You also mentioned that
20 there is not a practice for doing the transit access. I think you're referring to the transit
21 Level of Service, and again, there is a Transit Capacity and Quality of Service Manual
22 Level of Service for the difference in time in minutes, by transit versus by auto, and we
23 simply turned that into a proportion. And you mentioned the Florida DOT multimodal Level
24 of Service, and it's true--multimodal Level of Service is one of the real challenges that we
25 all face. We don't want to do a weighted average of what to take for pedestrian versus the
26 numbers of cars out there, so the point that we've been working on for 30 years is to say,
27 accept that we want different levels of traffic congestion or mobility based on how good
28 the transit service is, and I think that that's something that other jurisdictions do do, as
29 well. In terms of the mitigation requirements, I think that what we are definitely interested
30 in is looking for a way that is as fair as possible, that reflects the place that--places where
31 we are now in the County as well as where we want to go in the County, and that allows
32 us to begin thinking about the kind of proposals we put on the table under our Smart
33 Growth criteria that would let folks find alternate ways to deal with concerns they have on
34 mitigation based on the type of development they're going to do, the location, and then
35 what other mitigation options they have in front of them.

37 COUNCIL PRESIDENT ANDREWS:

38 Thank you. Councilmember Floreen.

40 COUNCILMEMBER ELRICH:

41 Can the Executive say something here?

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1
2 COUNCIL PRESIDENT ANDREWS:

3 Oh, certainly. I'm sorry. I didn't see that Mr. Gonzalez wanted to speak. Go ahead.
4

5 EDGAR GONZALEZ:

6 Edgar Gonzalez, Deputy Director for Transportation Policy. The County Executive has
7 been consistent in his position. When this PAMR test was proposed, he said that doesn't
8 make an awful lot of sense, and let's work together, give it some time, and let's develop
9 something. That was not acceptable to the Council at the time, and his position today is
10 the same. We're saying, look, tinkering with something that is so confusing will just add
11 more confusion, so leave things alone. Since you have a Policy Area Mobility and
12 Transportation Policy, then leave it alone. Leave it alone until we come back with an
13 alternative that will be varied, that will--you know, will have Park and Planning involved,
14 will have Council staff involved, will have--we'll discuss with stakeholders, and don't tinker
15 with something that is already confusing. Don't confuse it even more. So that's our
16 position.
17

18 COUNCIL PRESIDENT ANDREWS:

19 OK. Thank you. All right. Councilmember Floreen, you're up.
20

21 COUNCILMEMBER FLOREEN:

22 Thanks. The one thing that the testimony on this was unanimous about is to get rid of it.
23 That's the one thing. There was universal, across-the-board agreement on it. We don't
24 have an alternative. I note that--that what we did several years ago was to say this system
25 is inconsistent; it was riddled with exceptions. It has been fiddled with to address this and
26 that and the other thing over time. Let's just increase the impact tax and focus on solving
27 the problem. We did that for a while, and now we have this equally--I think worse, totally
28 incomprehensible test. I cannot believe that anyone would go to a community meeting and
29 hold up one of these charts and be able to explain it. And so I think--the best we can do
30 under the circumstances, I think, is to try to let it be somewhat less onerous for the short
31 term until we have a better solution. We talked about Montgomery College earlier, at lunch
32 today. What do they need? And this Council has always been--well, at least recently, has
33 been about, how can we help jobs in the eastern part of the County? That's another
34 element of--at least what 2 of us on the committee recommended to our colleagues. Go
35 with the professional advice where they ease out some of the problems for the time being.
36 We'll wait. The grand solution--which I suspect will have the same amount of interest from
37 all of us as to its--as to whether it works for the Council--and move forward at that point. I
38 voted against this test several times. I'm happy to do it again. It doesn't--the real question
39 is getting us to where we need to go, which is to relate this to capital projects that address
40 the issues on the ground. I'm hopeful that we will move to that kind of a system. We've
41 had--Mr. Elrich has made some suggestions. I have--I agree with him about how we could

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1 do that, and I'm hopeful that we can do this in a positive fashion. We need a real
2 transportation solution policy here, not just tests. We need a way to get to solutions. I'm
3 not--this isn't getting us there. It's just creating more complexity and mystery to the public
4 at large. And it sends a message to the jobs--people who are bringing jobs to the County
5 and homes to the County, that here's another incomprehensible element of dealing with
6 Montgomery County. That's--that's what we're talking about here. How can we create an
7 environment where we can get to real solutions? We're not there under this policy. We're
8 a little closer, I think, with the recommendation, but again, we're not there. And, you know,
9 you can have a chart that will demonstrate just about anything you want it to demonstrate.
10 The question is, though, how do we address what our people want us to address, which
11 are real-life solutions on the ground that they can see and feel? That's the Planning
12 Board's job, and it's the County Executive's job, and I hope that we will have some good
13 CIP recommendations from you, Mr. Gonzalez, so we can actually achieve the result we
14 all desire, whether or not the test applies or not. So, hope we'll get that shortly.

15
16 COUNCIL PRESIDENT ANDREWS:

17 Thank you, Councilmember Floreen. Council Vice President Berliner.

18
19 COUNCIL VICE PRESIDENT BERLINER:

20 I certainly share my colleagues' frustration with the complexity of the current test. I do not
21 for a moment believe that this is a perfect test, so the choices we have before us in this
22 moment is--are simply, are there ways to improve this test in the short term while we await
23 this comprehensive review? And I know that my colleague Councilmember Elrich had
24 some strong suggestions to make with respect to some of the things that ought to be
25 looked at during that comprehensive review. I wanted to begin by asking Dr. Orlin, there
26 are discrete problems with the current test that a number of us worked hard to fix, and that
27 I believe that the Planning Board believes are improvements on the test that actually work
28 to the benefit of the development community, and we believe are fair and appropriate. And
29 so I'd like, Dr. Orlin, if you would, to go through the discrete--because as we focus on the
30 options before us, to the extent to which we focus, if you will, quote, on the current test, it
31 does not embody what I believe are these reforms that actually do make a difference and
32 could make a difference for some period of time because, as my colleague
33 Councilmember Leventhal observed, getting recommendations with respect to changes in
34 this test in the middle of an election year may or may not be conducive to the kind of
35 exploration that would serve us all the best. Now, that said, Dr. Orlin, could you go
36 through the modifications that there seem to be consensus with respect to?

37
38 GLENN ORLIN:

39 Sure. The best way to describe this--hopefully, you still have the packet from last week
40 that I asked you to bring. If you look on circle 65, you'll see the existing PAMR chart. It



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1 also shows up on circle 65 as Options 1 and 2. I'll wait till you have it up. OK. This is circle
2 65.

3
4 COUNCIL VICE PRESIDENT BERLINER:

5 Oh, God. You're not sending us there. OK. Circle 65.

6
7 GLENN ORLIN:

8 Well, you asked.

9
10 COUNCIL VICE PRESIDENT BERLINER:

11 I asked.

12
13 GLENN ORLIN:

14 All right. The first thing would be, again remembering that the lower left-hand corner of the
15 chart is hell and the upper right-hand corner is heaven for traffic, you want to be--anything
16 that's closer to the lower left-hand corner is bad, and upper right-hand corner is good. If
17 you look at the stair-step function, stair-step, which is the division between--or the
18 boundary between partial mitigation and full mitigation, you notice the situation like NP,
19 North Potomac, which is sitting there sort of underneath the riser and next to the step at
20 50% Relative Arterial Mobility and about 58% Relative Transit Mobility. You see that--the
21 NP? And then look to the lower right and look at POT, which is Potomac, and you see that
22 really both of them are about--have the same relationship to the lower left-hand corner. I
23 mean, one is lower but further to the right, one is further up but to the left, but they're
24 about the same distance from the lower left-hand corner. But because we use the stair-
25 step, the North Potomac mitigation level in the current test is 100%, and the Potomac
26 mitigation is only 40%.

27
28 COUNCIL VICE PRESIDENT BERLINER:

29 So if I--

30
31 GLENN ORLIN:

32 That didn't seem to make sense.

33
34 COUNCIL VICE PRESIDENT BERLINER:

35 So one of the reforms that we discussed and that are embodied in most of the options
36 other than the current option, as I understand it, is that instead of going from 45% to 100%
37 if you exceeded 45%, that we would have gradations.

38
39 GLENN ORLIN:

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1 That's a second reform. What I was leading up to was the fact that rather than having a
2 stair-step as the boundary between partial and full, it should be another diagonal line. So
3 that was the first--that was one of the--that's the one I was describing.

4
5 COUNCIL VICE PRESIDENT BERLINER:

6 And did Planning Board agree that that other diagonal line would be an appropriate and
7 positive reform to the current test?

8
9 DAN HARDY:

10 The staff and chairman of the Planning Board agreed that's a positive reform.

11
12 COUNCIL VICE PRESIDENT BERLINER:

13 OK.

14
15 GLENN ORLIN:

16 And the second thing was the one you just referred to, Mr. Berliner--the current test, as
17 you're going from the boundary point between acceptable and partial mitigation, which is a
18 diagonal line, between that and the lower boundary between partial and full, that if you're
19 in that intermediate range, the closer you are to the upper line, the closer you are to--it's
20 very low. It's a very low mitigation of 5%, which makes sense, but then as you went further
21 and further towards the lower line, towards full mitigation, you got to 45%, and then, if you
22 went a little further you went right to 100%. And there was concern among several folks
23 that because these little triangles can move around just a little bit from one assessment to
24 the next, you could go lurching from 45% to 100, or you could actually lurch in the other
25 direction--100 to 45%. So the thought was, if you're going to have this kind of gradation, it
26 should be a steady gradation between 100 and--0 and 100% or 10 to 90, rather than 5 to
27 45. So that's the second thing.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 All right. So if my colleagues will turn to page 4 of the--of the packet that was presented to
31 us today, November 3, 2009 document, and look at page 4 with respect to that. If I could
32 have my colleagues' attention. You will see, for example, under the current test that in
33 Fairland and White Oak and Gaithersburg city and Germantown East and North Potomac,
34 you see 100% mitigation is required. And for most of those, 100% mitigation is required, in
35 some instances, because they are just slightly above that 45% line, and it seemed
36 irrational to go from 45% to 100%, because--why is that appropriate? Just didn't make
37 sense to us as we reflected on it. So these 2 reforms, it seemed to me, are positive
38 changes to the test that I don't think any of us would really take issue with, and we can--I
39 agree that it doesn't solve the fundamentals with respect to the test, but it--they're
40 improvements. So those are two aspects that I'd like to share with my colleagues. The
41 overarching issue that I think we're dealing with is, in fact, the proposal of the Planning



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1 Board and the recommendation currently before us from the PHED Committee to adopt, if
2 you will, a B-E line. That is, assume that we have Transit Level B service--that's good
3 transit service--and if you assume we have good transit service, then we would allow E for
4 our roads. OK? That's the fundamental proposition that was put before us, and my
5 concern with respect to that proposition has been--and I've shared it with my colleagues
6 before--is that we don't have B transit anywhere in the County today, nor are we
7 projecting, quite frankly, any service E for our transportation. But--so in the real world, this
8 does not exist--B-E line--but in the real world, the consequences of this are changing the
9 slope of the line so that the mitigation required elsewhere is dramatically affected. So I
10 want my colleagues, if they would, to go to circle 4 in the packet, which I believe--Dr.
11 Orlin, did you provide this document to us? Did it come from Planning Board?

12
13 GLENN ORLIN:

14 Comes from the Planning Board.

15
16 COUNCIL VICE PRESIDENT BERLINER:

17 Planning Board. Appreciate, because I think this is an important contribution, because I
18 think the most important numbers that we need to look at, and from my perspective, is the
19 number of trips that we are mitigating. So under the committee's recommendation that's
20 currently before us, if you look in the far right-hand bottom, you will see total mitigation--
21 number of trips mitigated, 918. You look at what the chairman had recommended--the
22 chairman and staff had recommended, which was basically 1,000 trips. So we had 900,
23 and we have 1,000. The proposal that I am putting before you would essentially double
24 that to go to 2,100 trips mitigated. My colleague Councilmember Elrich had a proposal for
25 3,000 trips being mitigated, so mine, if you will, is a compromise as between my colleague
26 and the committee's recommendation, that if you look at this--and I--This is how I view it,
27 anyway, is that the most important aspect of the decision we have to make is, how much
28 are we going to ask our development community to contribute to mitigating the traffic
29 nightmare that we have today? And I, for one, perceive that we have more to do, and it's
30 appropriate to ask for more mitigation, not less. The number of trips mitigated with respect
31 to this is important in one other very key way. We have another proposal before us called
32 an Alternative Review--a Policy Area Alternative Review--where we're trying to encourage
33 people, particularly in our Metro Station Policy Areas, to do the right thing. But the only
34 reason why someone would do the right thing is if they are facing mitigation obligations,
35 because otherwise, there's no reason why you would do this. So from my perspective--
36 and again, take a look at this chart again on circle 4. Look at my community in
37 Bethesda/Chevy Chase. Under the chairman and staff recommendation and the PHED
38 Committee's recommendation, there is 0% mitigation required in that area. There is no
39 way that we will ever have the Alternative Review used in an area that has 0% mitigation
40 requirement. So if we believe in this Alternative Review function, which I think could be a
41 good opportunity for us, we have to couple that with some mitigation responsibility,

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1 because then they'd have an incentive to participate. So I think the best combination for
2 us is, if you will, the proposal that I've put before us, which is Option 5, which would
3 require some modest additional mitigation than we currently have, but focus on the areas
4 that will in fact achieve the result that the Planning Board wants, which is to use the
5 Alternative Review. And I would ask the Planning staff if they would comment on that
6 relationship between alternative 5 and the Alternative Review that you have
7 recommended.

8
9 DAN HARDY:

10 All right. We think that this is a good way to balance those 2 principles. One is to be able
11 to incent developers to take advantage of the Smart Growth criteria, and secondly that the
12 line as drawn is fine, considering that today we don't have anybody that we're forecasting
13 to be at the Level of Service B-E position. We think it's equally important to be thinking
14 about, in the future, long-range planning, that we keep that concept of symmetrical Level
15 of Service in mind as we think about our long-range plans.

16
17 COUNCIL VICE PRESIDENT BERLINER:

18 So say it again just in case my colleagues didn't hear it because they were talking. You
19 think this is a nice balance between what you had proposed and what we have before us
20 now? You like this option?

21
22 DAN HARDY:

23 We think this option does do a good balance of blending the Smart Growth criteria and the
24 fact that it would not be applicable in many cases under the Option 6, but it would be
25 applicable under Option 5. And the only concern that we had, which got us to supporting
26 Option 6, was thinking about symmetrical Level of Service for long-range planning, which
27 we think is still important, to keep that idea in mind when we consider long-range plans.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 Thank you.

31
32 COUNCIL PRESIDENT ANDREWS:

33 Thank you, Council Vice President Berliner.

34
35 COUNCIL VICE PRESIDENT BERLINER:

36 I will be, at the appropriate time, moving Option 5.

37
38 COUNCIL PRESIDENT ANDREWS:

39 OK.

40
41 GLENN ORLIN:

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1 Can I get a clarification? Your option is Option 5 modified. Is that correct?

2
3 COUNCIL VICE PRESIDENT BERLINER:

4 That's correct.

5
6 GLENN ORLIN:

7 And also, it has another concept, which is the collar. Did you want to talk about that?

8
9 COUNCIL VICE PRESIDENT BERLINER:

10 Yes. I'm sorry. OK. What I wanted to make sure, under this proposal, was that no one's
11 mitigation responsibility went up dramatically, and so that what we did with respect to this
12 proposal was insist that no one's obligation could go up more than 10%. So it's a function
13 of where they fell on the line. So we wanted to take out the variability with respect to it, so
14 you'll see in no instance did anybody's obligation go up by more than 10%.

15
16 COUNCIL PRESIDENT ANDREWS:

17 OK. Thank you. Council Vice President Berliner. Let me say, I thought that what we heard
18 from the Executive this morning was very important, and that was in a response to a
19 question from Councilmember Trachtenberg, which was when did the Executive expect--it
20 was actually--the answer was provided by Miss Schwartz-Jones in response to a question
21 which was from Councilmember Trachtenberg, which was, when would we expect to
22 have--the Executive to have the consultant's report regarding an overhaul of the Policy
23 Area Mobility Review--and I see Miss Schwartz-Jones has come to the table--and the
24 answer that we heard this morning was by the end of March. And so, I see you affirming
25 that that is your expectation, that you would have the report done by the end of March. My
26 concern about changing the test in the interim period is that it would create confusion and
27 result most likely in a change twice within a very short period of time, assuming that we
28 were to take some action to adopt some, if not all, of what the Executive recommended in
29 the spring, and I think there's a problem in doing that. I think whatever benefit might be
30 made by modifying what's in place now would be outweighed by the problem, in my view,
31 of changing a test twice in less than a year, most likely. So my preference would be to
32 leave the current test and then come back as expeditiously as possible in the spring to
33 consider what the Executive has proposed and make a decision then. So that's what I
34 think makes the most sense, given the circumstances, and I will now turn to
35 Councilmember Elrich, who has his light on.

36
37 COUNCILMEMBER ELRICH:

38 I want to address what George said in the beginning, because I think it's important, and I
39 said it this morning during the meeting with the Executive. I honestly don't think this has to
40 be contentious or that it has to be political or that it has to be difficult. For my part, I'm
41 interested in the application of tests that are generally recognized, and I can tell you--and

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1 I've shared a number of thoughts with the Executive and even with the development
2 community and with the civic community. None of what's generally accepted and
3 recognized would throw the County into moratorium. Doesn't throw any area into
4 moratorium. So if the concern is that this is going to be a fight to make it--everything
5 impossible to build, and this is to be an opportunity to do that, I have zero interest in the
6 Growth Policy discussion even approaching that level of discussion. I really do think this is
7 one of those things that we get to discuss that can be based on models rather than more
8 our opinions about things. It's less about philosophy and more about what are the
9 generally accepted practices out there. And so I actually do believe that the Executive
10 could come back--assuming they don't come back with a black box, and everybody--in
11 which case everybody will throw up their hands again and say, "You have a totally
12 nontransparent process, and we've been there before." If you come back with something
13 that's not a black box, I think that--that we all should be able to get our hands around it,
14 and we all should be able to find some agreement about it. I mean, I don't see a lot of
15 difference in objectives between what the Executive has talked about, some of the
16 suggestions I've made, some of the suggestions Nancy has made. My suggestion to look
17 at the King County stuff, which I know Nancy is interested in, deals with a very transparent
18 process. It deals particularly with her concerns about infrastructure concurrency--how do
19 we assure that a capital budget reflects our priorities. And I'll say, if Nancy and I can agree
20 on that, that's a--

21
22 COUNCILMEMBER FLOREEN:
23 We're home.

24
25 COUNCILMEMBER ELRICH:
26 That's a good thing. We don't usually get that close. And so I really am optimistic that if we
27 do this right and we don't go into it assuming that it's going to be a political battle, we
28 might actually get out of it in the short term rather than the long term and have a happy
29 ending to this process. And that's what I'm interested in. I'm interested in everybody
30 understanding what we're doing, whether you're a resident, a developer, or a member of
31 the government. What we do should be clear and transparent. I'm not interested in
32 proposing things that toss everything into moratorium. That's--if you think that's my
33 objective, or that I, you know, this is some effort to, you know, come up with a ????? test,
34 I will not be inventing tests that do not exist in the universe in order to--in order to produce
35 a result that, you know, I might be interested in, because I'm not interested in that result,
36 and I'm not going to be fabricating tests to get there.

37
38 COUNCIL PRESIDENT ANDREWS:
39 Thank you, Councilmember Elrich. Councilmember Knapp.

40
41 COUNCILMEMBER KNAPP:

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1 Thank you, Mr. President. It's always good to get everything out and let everybody talk
2 about it, because I think it makes issues become clearer. I believe it was Mr. Leventhal
3 and perhaps Mr. Elrich who both said, you know, let's kind of keep the pieces where they
4 are, and I think as Councilmembers have looked at all of the various options in front of us
5 and looked at all of the various maps and the various stair-steps and the curves and how
6 they cross or don't cross, I think people have said, hmm, maybe that's not such a horrible
7 thing. So...What I would like to propose is to, at the committee recommendation, to go
8 back to--if you're looking at page 4--Option 1--page 4 of today's packet. Go to Option 1,
9 which is the current test, with the one modification. And I think Mr. Berliner, the Council
10 Vice President, had made some reference to this in his remarks. Right now, you kind of go
11 from 5 to 45% mitigation, then you fall off a cliff and go to 100%. And I'm not sure that that
12 necessarily makes a lot of sense, and so the modification I propose is, since there are 3
13 places--I'm sorry, 4 places with 100% mitigation that we would--and one of them, we don't
14 actually have any control over because the city of Gaithersburg--that we then cap the
15 mitigation to 50%, which still puts Fairland/White Oak, Germantown East, and North
16 Potomac at the highest levels of mitigation, and they exceed everyone else on the list, but
17 doesn't necessarily have them fall off the cliff. And so I would propose Option 1--current
18 test with modification to Fairland/White Oak, Germantown East, and North Potomac from
19 100% mitigation down to 50% mitigation.

20
21 COUNCILMEMBER ERVIN:
22 Second.

23
24 COUNCILMEMBER KNAPP:
25 And have that--ha ha! And I'll stop talking, judging by the speed with which I was
26 seconded.

27
28 COUNCIL PRESIDENT ANDREWS:
29 All right. So that was moved by Councilmember Knapp and seconded by Councilmember
30 Ervin. I'm going to ask if there are any comments from any of the folks at the table
31 regarding that proposal.

32
33 COUNCILMEMBER KNAPP:
34 Smart table.

35
36 COUNCIL PRESIDENT ANDREWS:
37 Don't see any. No? No comments. OK.

38
39 GLENN ORLIN:
40 Can I just ask, does it really matter--does it really matter that Gaithersburg City is--couldn't
41 you just say that that's 50 also?

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1
2 COUNCILMEMBER KNAPP:

3 Can call that 50, too. Fine. Just to keep things consistent.
4

5 COUNCILMEMBER TRACHTENBERG:

6 Makes him feel better.
7

8 COUNCIL PRESIDENT ANDREWS:

9 OK. All right.
10

11 COUNCIL VICE PRESIDENT BERLINER:

12 And, Council President, I had had a motion pending. I will withdraw my motion. I think that
13 this actually does achieve what we want. If you look at the numbers on mitigation, you'll
14 see that the committee's recommendation and the chairman's recommendation initially
15 had been approximately 1,000 trips mitigated. My proposal would have been 2,000 trips
16 mitigated, and that which is before us, under the revised motion, would be 1,500 trips
17 mitigated. I feel like that's an appropriate compromise and that this is a Council that can
18 rally around that and show unanimity with respect to it, so I will withdraw my motion to
19 achieve that result.
20

21 COUNCIL PRESIDENT ANDREWS:

22 OK. Councilmember Trachtenberg has her light on.
23

24 COUNCILMEMBER TRACHTENBERG:

25 Actually, just very briefly, I want to thank the Planning Board for coming back with the
26 chart. It was in response to my request the other day, and I think it actually helped us
27 visualize what some of the options actually did look like, so it got us to this point. Thank
28 you.
29

30 COUNCIL PRESIDENT ANDREWS:

31 Does the Executive have any comment on the proposal?
32

33 EDGAR GONZALEZ:

34 Given what--what has transpired, it's a very good compromise.
35

36 GLENN ORLIN:

37 This is spoken from a man who was smarter than anybody else by being out of the
38 country for the last 4 weeks.
39

40 COUNCIL PRESIDENT ANDREWS:

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1 OK. All right. Well, I think the Council has come to a reasonable compromise on this to
2 avoid any--any significant change, really, in the current test until we get the Executive's
3 recommendation in the near future, and we really do want it in the near future because we
4 all believe that this test needs to be strengthened in--in many ways, and we want to do it,
5 really, just once in the next year, not twice. So I hope the Executive appreciates how
6 interested the Council is in seeing this on the schedule that was described--March 31.

7
8 LINDA SCHWARTZ-JONES:

9 We do appreciate it, and I know that the County Executive is very committed to making
10 sure that you get it. So...

11
12 COUNCIL PRESIDENT ANDREWS:

13 OK. All right. Very good. All right. Well, the motion is before us, and all those in favor of
14 the motion, please raise your hand. That is unanimous. OK.

15
16 GLENN ORLIN:

17 Next issue is the bottom--between the bottom of page 4, the Transportation Mitigation
18 Payment that was established by the Planning Board last year. Councilmembers Elrich
19 and Floreen recommend setting the minimum Transportation Mitigation Payment at
20 \$11,000 per peak hour trip. Mr. Knapp recommended that it should be a lower number.

21
22 COUNCIL PRESIDENT ANDREWS:

23 All right. There are no--I don't see any opposition to the committee's recommendation, so
24 the Council is supportive.

25
26 GLENN ORLIN:

27 OK.

28
29 EDGAR GONZALEZ:

30 Can I ask a couple of questions?

31
32 COUNCIL PRESIDENT ANDREWS:

33 Yes. Mr. Gonzalez.

34
35 EDGAR GONZALEZ:

36 You're talking about the ARP.

37
38 COUNCIL PRESIDENT ANDREWS:

39 No. That's the next one. That's next. We're on the Transportation Mitigation Payment. So
40 now we're on the Alternative Review Procedure, which is Item 3, and, Mr. Orlin, do you
41 want to describe the Committee's recommendation?

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1
2 GLENN ORLIN:

3 Sure. Yeah. Councilmembers--on the Alternative Review Procedure, Councilmembers
4 Knapp and Floreen recommend the Alternative Review Procedure as proposed by the
5 Planning Board except for 2 things--first of all, that the money that would be collected,
6 instead of for public transit, would be for transportation generally--could be used for public
7 transit or for other things, which means that the \$8,750 per peak period trip payment,
8 5,500 would be for transportation, and 2,750 would be for affordable housing. And
9 secondly, that the area that is described as the zone in which these eligible projects could
10 be--could fit in is within a half a mile of where transit service is at least a 10-minute
11 headway, which is what the Executive had recommended. The last packet had a series of
12 maps, starting on circle 72 through 77, which describes generally where those areas are,
13 but over the course of the next several days, we'll hopefully be able to get maybe a little
14 more detail on those maps. The eligible projects--let me just read again the criteria that
15 the Planning Board had recommended, as revised by the committee--by the majority of
16 the committee. This is Mr. Knapp and Miss Floreen. It has to be within a half-mile of a bus
17 or rail line that has at least a 10-minute service in peak hours, is mixed use with a
18 minimum of 50% residential, achieves at least 75% of the density allowed in the Master
19 Plan or Sector Plan, exceeds energy efficiency standards by 17.5% for new buildings or
20 10.5% for existing renovations, or has on-site energy production such that 2.5% of annual
21 building energy cost is offset by a renewable production system, and finally, would apply
22 at least 25% to increasing affordable housing above the levels formerly--normally
23 required. And once again, the \$8,250 payment--5,500 would be for transportation and
24 2,750 for affordable housing. Mr. Elrich recommended not having the Alternative Review
25 Procedure.

26
27 COUNCIL PRESIDENT ANDREWS:

28 Thank you. Mr. Gonzalez, did you have a comment you wanted to make?
29

30 EDGAR GONZALEZ:

31 I just--I just wanted to make sure--not being here for this discussion before, I just wanted
32 to make sure that there was a clarification on what we mean by within half a mile of transit
33 service. Is it half a mile as the crow flies, or is it half a mile on a network, on street
34 network?
35

36 GLENN ORLIN:

37 Can I answer that? The--it's generally as the crow flies, but in the maps on the circle 72-77
38 mention that there needs to be a revision of these maps to take into account obvious
39 places where a crow fly--flying would be well, well more than half a mile away. There are
40 some cases, for example, in Germantown East, which is within a half a mile as the crow
41 flies, but it would probably take a mile or a mile and a half to get there.

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1
2 EDGAR GONZALEZ:

3 So--so I wanted to see if the Council was willing to describe specifically that it should be
4 half a mile within a street network.

5
6 GLENN ORLIN:

7 The way it would have to work--

8
9 EDGAR GONZALEZ:

10 For walking people and all of that.

11
12 GLENN ORLIN:

13 That's the importance of the maps, because frankly, I believe the maps would have to be
14 included in the resolution themselves so it's very clear to everybody, you know, who's in
15 and who's out.

16
17 EDGAR GONZALEZ:

18 Right, but the decision of the Council will guide the development of those maps. That's
19 number one. And number two--and maybe you already mentioned it, or you mentioned it
20 as you were talking--that is, the 10-minute headway, is it all day, AM peak or PM peak or
21 both peaks or... Define that clearly because there are differences in the way we schedule
22 our bus trips, so make sure that it's clear for everybody, for the developers as well as the
23 Planning Board as well as us and those that are collecting money. So make it clear to
24 everybody. That's all.

25
26 GLENN ORLIN:

27 If the Council wants to weigh in on that, it should, but if you don't, what will happen--and
28 this was, I think, part of what Mr. Hardy was mentioning last time. One of the reasons why
29 they're asking for an effective date of January 1 on this, rather than right away, is they'll
30 need to revise their PAMR and Local Area Review guidelines in several ways to take a lot
31 of this into account, and a lot of that detail would be in there.

32
33 EDGAR GONZALEZ:

34 Yeah, but it would be nice if the Council provides guidance to the Planning Board as to
35 how to develop them.

36
37 DAN HARDY:

38 And actually, we did work with the DOT staff to identify just--not only the 10-minute peak
39 period headways, but also 18 hours of service throughout the weekday. And so, as Glenn
40 Orlin has pointed out, the idea is that by making the maps part of the resolution, those will
41 be the boundary areas, and it eliminates the--an applicant reflecting the fact that there has

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1 just been a change in bus service or there may be a pending change in bus service. We
2 want to instead make the maps the definition of those areas. And the maps are based on
3 10-minute headways during peak periods.

4
5 GLENN ORLIN:

6 I hesitate to ask. Is this the--I have to ask this. The maps will be in the resolution.
7 However, if the bus service changes--and it very well might; there may be cuts in bus
8 service, for example, next year--and there's an area that falls out of the 10- minute
9 headway range, how--how often should the maps be revised? Are they revised as part of
10 the annual assessment the Planning Board does in July, or are they fixed until the Council
11 comes back to it? I think that's, I think, a pretty major policy decision you should be
12 looking at right now. For example, there are probably some areas which right now have a
13 10-minute headway. Let's say there's 2 20-minute bus routes. But if one of those bus
14 routes becomes a 30-minute bus route because of cuts in the budget, then that would fall
15 out of being 10 minutes. When does--or alternatively, I suppose it's conceivable that we
16 could be adding bus service in an area and enlarging it. When should that change
17 happen? Should it happen annually during the assessment the Planning Board does, or
18 should it be--or should it be only when you review the entire Growth Policy? If you want to
19 think about it maybe--if you don't have an answer now, we have until next week.

20
21 COUNCILMEMBER ELRICH:

22 Be like the school where they do--you know, we'll get mid-cycle data from the schools,
23 and if we go to 4 years, it'll be not just mid-cycle. It'll be every year in a 4-year cycle. We
24 could do the same thing with this.

25
26 GLENN ORLIN:

27 You could do it, yeah. That's what I'm asking. You could do it either way. I think if it was
28 done annually, I think what we'd do is we'd include these maps in the resolution, but then
29 have to note that annually they would be reassessed, and although the resolution might
30 last a couple of years, the--you know, they'd have to look at a different set of maps, based
31 on the annual assessment.

32
33 COUNCIL PRESIDENT ANDREWS:

34 All right. I've got a few Councilmembers who wish to speak on this--Council Vice President
35 Berliner, then Councilmember Navarro, Councilmember Elrich, and Councilmember
36 Floreen.

37
38 COUNCIL VICE PRESIDENT BERLINER:

39 Dr. Orlin, I'd like clarification first. Then I'll offer either one or two amendments to the
40 committee's recommendation. First, the clarification with respect to whether or not--was it

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1 the committee's recommendation to include within this alternative test a 25% allocation for
2 affordable housing?

3
4 GLENN ORLIN:

5 Yes. The--yes. When I said it was \$8,750, that's 3/4 of the \$11,000 you just approved.

6
7 COUNCIL VICE PRESIDENT BERLINER:

8 Yes.

9
10 GLENN ORLIN:

11 And so--

12
13 COUNCIL VICE PRESIDENT BERLINER:

14 Of that 3/4, 1/3 of it, if you will, is going to affordable housing?

15
16 GLENN ORLIN:

17 That's right.

18
19 COUNCIL VICE PRESIDENT BERLINER:

20 All right. So one proposal I will share with my colleagues is, I will move to eliminate that
21 and have it only go for transportation/transit--we have a different conversation as to
22 whether it is transit or transportation. Again, from my perspective, until we have the larger
23 debate that my colleague, in the name of her bill that we've just introduced today--
24 Councilmember Floreen and Councilmember Knapp--until we change the nature of that
25 which we do here, it is an adequate Public Facilities Ordinance, and therefore, the dollars
26 that we collect here, it seems to me, by definition need to address our inadequate public
27 facilities today, and that is our transit. So I will move at the appropriate time, Council
28 President, to eliminate that--

29
30 COUNCILMEMBER FLOREEN:

31 I'll second it.

32
33 COUNCIL VICE PRESIDENT BERLINER:

34 Councilmember Floreen will second that piece, and so maybe that could be a committee's
35 recommendation, and I can withdraw the motion, if--

36
37 COUNCILMEMBER KNAPP:

38 I thought I saw 3 heads nodding. There you go. OK.

39
40 COUNCIL VICE PRESIDENT BERLINER:

41 OK. Committee's recommendation is to change that. That's great.

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1
2 COUNCIL PRESIDENT ANDREWS:

3 Why don't we have--just so the people watching and listening, describe the difference.
4 Describe the change.

5
6 COUNCIL VICE PRESIDENT BERLINER:

7 The nature of the change that I believe the committee just accepted was that all the
8 dollars that we collect under this Alternative Review will be to address our transportation
9 needs, as opposed to diverting a third of those dollars to other worthy goals, like
10 affordable housing, but not appropriate for an Adequate Public Facilities Ordinance.

11
12 LINDA SCHWARTZ-JONES:

13 If I may, the Executive agrees with that. That was the Executive's recommendation, as
14 well.

15
16 COUNCIL PRESIDENT ANDREWS:

17 OK.

18
19 COUNCIL VICE PRESIDENT BERLINER:

20 So that's number one. Number two is--

21
22 COUNCIL PRESIDENT ANDREWS:

23 Well, let's--all right. Let's stay with that one first.

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 Oh, I'm sorry. That was a committee recommendation.

27
28 COUNCIL PRESIDENT ANDREWS:

29 OK. So now it's a committee recommendation before the Council. Is there any comment
30 on that? Don't hear it. OK, so that's supported by the Council. You can go ahead and
31 make your second.

32
33 COUNCIL VICE PRESIDENT BERLINER:

34 Thank you. My second is to go to what I had understood was the committee staff's
35 recommendation. Dr. Orlin's recommendation was to reduce the scope of this to the Metro
36 Policy--Metro Station Policy Areas, to limit the scope of this Alternative Review to those
37 areas. As I looked at the maps, and I would direct my colleagues to the maps that Dr.
38 Orlin provided, and it is pages, I think 72, was it again? 75. I looked at what was
39 happening in Bethesda on circle 74, and looking at the breadth of that, and said to myself,
40 I'm just not comfortable with that definition of transit, in the breadth of that, and feel like we

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1 ought to begin this program in a way in which we are so secure about our transit service,
2 and that is in our Metro Policy Areas.

3
4 GLENN ORLIN:

5 Just one clarification. The recommendation had been to apply it to the Metro Station
6 Policy Areas and the Germantown Town Center Policy.

7
8 COUNCIL VICE PRESIDENT BERLINER:

9 And the Germantown Town Center. Yes. So from my perspective, that's the safest way to
10 begin this. I think it's a commendable proposition, but I think that we should start where we
11 know we have just a premier transit service, and as Dr. Orlin observed, if you get into this
12 10-minute headways, it becomes subject to the vagaries of our budget, the vagaries of
13 DOT's ability to provide that kind of bus service, and quite frankly, I don't think 10-minute
14 headways are sufficient anyway. I think the Germantown situation is a 5-minute direct
15 express bus.

16
17 GLENN ORLIN:

18 In the peak of the peak, it's 5 minutes, yes.

19
20 COUNCIL VICE PRESIDENT BERLINER:

21 Yes.

22
23 GLENN ORLIN:

24 And it's just one route. There's lots more routes than that.

25
26 COUNCIL PRESIDENT ANDREWS:

27 All right. So that's motion.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 So my motion would be to adopt the committee's--the Council staff's position with respect
31 to this item.

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK. Is there a second?

35
36 COUNCILMEMBER TRACHTENBERG:

37 Second.

38
39 COUNCIL PRESIDENT ANDREWS:

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1 Seconded by Councilmember Trachtenberg. All right. Is there discussion on that
2 amendment? And I see Councilmember Navarro has her light on. Did you want to--do you
3 want to discuss that?

4
5 COUNCILMEMBER NAVARRO:

6 My question was mostly regarding the--the notion that it should be applied to transit
7 versus just broad transportation? Does your amendment specifically--is it the entire
8 recommendation from the staff? Is that what you're talking about?

9
10 COUNCIL VICE PRESIDENT BERLINER:

11 No, that is a--I appreciate your raising it. There is a dispute. I believe the County
12 Executive's people would like it for, quote, transportation. I believe that as it emerged out
13 of committee, was it for transportation or transit, or was that--

14
15 GLENN ORLIN:

16 Well, the committee, at the last meeting--well, let's put it this way. The committee
17 members seemed to be in support of applying it for transportation generally, so that that's
18 how--the committee's recommendation is reflecting that.

19
20 COUNCIL VICE PRESIDENT BERLINER:

21 OK. Then I would have a third one for dedicating it for transit only, because I perceive that
22 to be our most pressing need at this juncture. So that can either be part of this--actually, it
23 wouldn't be. It wouldn't be part of this, because quite frankly, if this motion--no, no. That
24 still would be true--either way. So it would still be transit only, is what my motion would be.
25 Yes, sir.

26
27 COUNCILMEMBER LEVENTHAL:

28 Just point of clarification. You're saying that the revenues that would be deposited for
29 each trip under the alternative would be used only for transit improvements?

30
31 COUNCIL VICE PRESIDENT BERLINER:

32 Yes, sir.

33
34 COUNCILMEMBER LEVENTHAL:

35 And how would--like, what about a van pooling arrangement or--that would count as
36 transit?

37
38 COUNCIL VICE PRESIDENT BERLINER:

39 I would consider that to be transit. Anything other--

40
41 COUNCILMEMBER LEVENTHAL:

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1 What about sidewalk and pedestrian improvements? You wouldn't count that.

2
3 COUNCIL VICE PRESIDENT BERLINER:

4 I would not count that as transit. Now, I'd be willing to have that amended. What I didn't
5 want to see happen is for it to go into road improvements. So that was--my distinction
6 between transportation was, we either have roads or we have transit. If there is a view
7 that we should have bicycle paths, for example, which is a laudable objection, and some
8 would consider that to be--I'd be willing for that to be included.

9
10 COUNCIL PRESIDENT ANDREWS:

11 Council Vice President, it sounds like there are 2 issues here. One is the zone, how large
12 the area is.

13
14 COUNCIL VICE PRESIDENT BERLINER:

15 That's correct.

16
17 COUNCIL PRESIDENT ANDREWS:

18 And you're proposing that it be not half a mile, but with at least 10-minute headway, but
19 just describe again how you would limit it compared to the proposal that's before us.

20
21 COUNCIL VICE PRESIDENT BERLINER:

22 I appreciate. There are, as you observed, 2 distinct aspects to this. The first would be to
23 adopt the Council staff's recommendation, which would limit this only to Metro Station
24 Policy Areas and Germantown.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Let's deal with that issue first.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 That's--that's a good point.

31
32 COUNCIL PRESIDENT ANDREWS:

33 All right. Is there a second to the--

34
35 COUNCILMEMBER TRACHTENBERG:

36 Yes, I do.

37
38 COUNCIL PRESIDENT ANDREWS:

39 Seconded by--fine. OK. So that's before us. Comments on that. This--what we're taking
40 up, what we have before us now--

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1 COUNCILMEMBER LEVENTHAL:

2 Totally restricting the alternative to the Metro Station Policy Area?

4 COUNCIL VICE PRESIDENT BERLINER:

5 Yes, sir.

7 COUNCIL PRESIDENT ANDREWS:

8 And the Germantown Town Center.

10 COUNCIL VICE PRESIDENT BERLINER:

11 And the Germantown Town Center, as recommended by Council staff.

13 COUNCIL PRESIDENT ANDREWS:

14 Yes.

16 COUNCILMEMBER LEVENTHAL:

17 OK. I'd like to ask--I mean, I don't want to jump ahead of anyone else, but--

19 COUNCIL PRESIDENT ANDREWS:

20 You have the floor. You have the floor.

22 COUNCILMEMBER LEVENTHAL:

23 OK. I'd like to ask the Planning Board--this is sort of a continuation of the conversation
24 that has been rolling all day. It has been asserted that there are very simple models for
25 traffic mitigation that are used in other jurisdictions. King County was cited. Arlington
26 County was cited. Fairfax County was cited. I have to ask our wise and experienced
27 planning director, who, you know, was acquired through a national search and who is
28 experienced in other jurisdictions, does not our wise Planning Board refer to other models
29 in presenting us with its recommendations? That's question one. And question two, do
30 other jurisdictions employ an alternative at all? If--if the purpose of an alternative is to
31 provide a more desirable simplified option, does not the very presence of two different
32 methods of getting your project approved in and of itself lend a lot of complexity? Why do
33 we even need an alternative? Could we get a simple explanation of that, and do other
34 jurisdictions do that?

36 ROLLIN STANLEY:

37 Sure. I want to temper my comments with respect to the Alternative Review versus the
38 PAMR sort of situation. First off, there's a lot of emerging policies in the country, in other
39 parts, looking at creating the incentive for growth to occur in the right location. We are
40 going in that direction with this proposal. That's the purpose of the Alternative Review, is
41 to follow that trend to encourage growth to go to what we would call smart areas, or areas

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1 where there's transit. There are varying degrees of levels where there's transit or services,
2 including basic services like retail. One of them is a half-mile. The other criteria is within--
3 what we proposed was 15 minutes of bus headway--or, sorry, buses with headways of 15
4 minutes, which would include Kensington, for example. That's where people are heading,
5 in that direction, and frankly, the west coast has been leading us in that direction. And
6 we've had a lot of feedback on what we're doing, where people are now calling us and
7 finding out about this, thinking this is a good way to go. So, yes, it's--there are models in
8 the country for establishing different requirements for different types of areas, and the
9 difference is a Level of Service for transit versus a lower Level of Service of transit.

10
11 COUNCILMEMBER LEVENTHAL:

12 OK, but, so when the assertion is made that there are very simple methods of traffic
13 mitigation that are employed by other jurisdictions--and I appreciate--

14
15 COUNCILMEMBER ELRICH:

16 I didn't say that. I didn't say mitigation. I said there are measures. Mitigation is more
17 complex. George, I never said mitigation. I said there are measures for measuring it or
18 testing it. Mitigation is going to be complex. How do you get cars off the road? The
19 decisions you make--there's a whole menu of things you can do to do it, everything from
20 parking restrictions to pricing parking at impossible levels. Some are politically simple.
21 Some might be political death. There's a whole variety of things. I'm just saying--I just said
22 that in terms of assessing things, there are pretty clear things out there. Mitigation is a
23 different animal.

24
25 COUNCILMEMBER LEVENTHAL:

26 But what Rollin is saying is that indeed, our Planning Board does also, in addition to our
27 colleagues, research the methods employed by other communities.

28
29 ROLLIN STANLEY:

30 Yes, and that's how--that was an integral part at this time last year in coming up with the
31 current proposal we have before you.

32
33 COUNCILMEMBER LEVENTHAL:

34 And do other communities impose something like a PAMR plus something like an
35 alternative?

36
37 ROLLIN STANLEY:

38 "Impose" may be the wrong word. There are other places that use a measurement
39 technique and a mitigation application differently--depending, again, as we talked about,
40 on the Level of Service of transit. Yes. Now, I've also worked in jurisdictions where we
41 didn't measure traffic.

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1
2 COUNCILMEMBER LEVENTHAL:

3 Right. Yeah, I know. I've often said communities like Cumberland, Maryland, Pittsburgh,
4 Pennsylvania, would love to have our traffic.

5
6 ROLLIN STANLEY:

7 Right, and I think I learned--

8
9 COUNCILMEMBER LEVENTHAL:

10 They wish they had our traffic, because it would mean people were working.

11
12 ROLLIN STANLEY:

13 I think I learned a quote from you last week. You said that if you don't have a parking
14 problem or a congestion problem, it's not worth visiting. I think I'm quoting you. I can't
15 remember--you were quoting somebody else. But yes, some places adopt that approach.

16
17 COUNCILMEMBER LEVENTHAL:

18 OK. And so, what you're saying is, is that this alternative makes it more desirable to invest
19 in the transit-oriented development areas.

20
21 ROLLIN STANLEY:

22 Yes.

23
24 COUNCILMEMBER LEVENTHAL:

25 And so we're using that as an incentive to concentrate the development in those areas.

26
27 ROLLIN STANLEY:

28 Yes, and it runs parallel with what you're seeing in sort of our White Flint--"sort of"--in our
29 White Flint application and in fact in the CR zoning all leads us in that direction.

30
31 COUNCILMEMBER LEVENTHAL:

32 OK. So the amendment before us now, if I understand it correctly, would just simply
33 conform the geographic area in which the alternative applies to the Metro Station Policy
34 Areas which already exist. We've already drawn those on a map.

35
36 ROLLIN STANLEY:

37 That's correct.

38
39 COUNCILMEMBER LEVENTHAL:

40 Rather than trying to draw a whole new map. We already know where the Metro Station
41 Policy Areas are.

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1
2 ROLLIN STANLEY:

3 Yes.

4
5 COUNCILMEMBER LEVENTHAL:

6 OK. And just--I'm slow. I'm trying to grasp it. Is there any objection to that from the
7 Planning Board? It does seem to me, rather than drawing 3 or 4 different maps for 3 or 4
8 different policy goals, we might just stick with the Metro Station Policy Area map, since we
9 already understand it.

10
11 ROLLIN STANLEY:

12 I may still jump out the second-floor window if that happens. It's not too far down. We were
13 trying to also accommodate smart growth in a place like a Kensington, which is not on a
14 Metro line but has fairly good bus service.

15
16 COUNCILMEMBER LEVENTHAL:

17 Well, that's a valid point.

18
19 ROLLIN STANLEY:

20 Or Takoma. And, see, so when I look at--

21
22 COUNCILMEMBER LEVENTHAL:

23 Well, actually, we have a Metro station in Takoma. It just is on the DC side of line.

24
25 ROLLIN STANLEY:

26 Yes, sorry. Takoma/Langley. Sorry.

27
28 COUNCILMEMBER LEVENTHAL:

29 Yeah.

30
31 ROLLIN STANLEY:

32 For example, if you look at our own employees at Park and Planning, a lot of them ride
33 buses to work. They'll take the Red Line down into--in Bethesda and take a bus across, or
34 others will--They plan their trip on knowing when the bus will be there. If it's a 15-minute
35 headway, they're there in 15 minutes. If it's a 10-minute--and we felt that it was a way to
36 help, say these other places have an incentive as well.

37
38 COUNCILMEMBER LEVENTHAL:

39 What about White Oak? We're building a transit center there. But it's not a Metro station.

40
41 DAN HARDY:

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1 Well, I think the idea, again, was to look at places that had bus routes with those kinds of
2 headways, so the proposal that we had was building on the legislation in California--look
3 at high-quality transit, defined as routes that had--what we had was 15-minute headways.
4 Now, clearly, one thing I think we have to work on, as we look at the Master Plan of
5 highways, is definitions of transit centers and considering whether or not a White Oak is a
6 place that should have, in a future analysis, a separate kind of designation. I don't believe
7 that White Oak is now an area that has 10-minute transit.

8
9 GLENN ORLIN:

10 It is, actually. Well, that map shows--yeah, circle 73, Dan. Get the other packet. It is within
11 the area.

12
13 COUNCILMEMBER LEVENTHAL:
14 OK.

15
16 GLENN ORLIN:
17 Circle 73.

18
19 COUNCIL PRESIDENT ANDREWS:
20 OK. Thank you, Councilmember Leventhal.

21
22 ROLLIN STANLEY:
23 Thank you.

24
25 COUNCIL PRESIDENT ANDREWS:
26 Councilmember Knapp, and then Councilmember Elrich.

27
28 COUNCILMEMBER KNAPP:
29 I--mine was more on the broader description of the policy area, so if you want to come
30 back. It wasn't on the particular motion.

31
32 COUNCIL PRESIDENT ANDREWS:
33 OK. All right. Councilmember Elrich.

34
35 COUNCILMEMBER ELRICH:
36 Yeah. I mean, the problem with places like White Oak and some of the other locations is,
37 first of all, the directional distribution of the buses coming in. I mean, the fact that you've
38 got 10-minute headways doesn't mean you necessarily have 10-minute headways from
39 the points the people would be trying to get in there. So you could have good service in
40 one direction and have absolutely nonexistent service in another direction. This is where--
41 and we're not doing this now, but we really ought to be looking at capacity and do you



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1 have the capacity, say, in Kensington, to carry whatever modal split you're trying to carry.
2 Do you have enough seats coming from the directions of the distributional spread that
3 would actually hold the number of people you want to get to come in to Kensington? So, I
4 mean, I don't know if Kensington or--or White Flint are ready for things like this yet. They
5 certainly could be. If you did a rapid transit bus system around there, that would change
6 the equation radically, but for the time being, I like the idea of focusing it around the Metro
7 Station Policy Areas because--because they make sense, and you know that in those
8 areas, you have pretty distributed trips coming into those areas.

9
10 COUNCIL PRESIDENT ANDREWS:

11 OK. Thank you.

12
13 DAN HARDY:

14 But it's probably worth mentioning, too, that, you know, we're not talking about increasing
15 densities. We're talking about incentivizing people to use the density they've got and to do
16 it in a way with mixed uses that reduces vehicular demand. So we're not doing Master
17 Planning with this provision. We're trying to implement the Master Plans in the smartest
18 way possible.

19
20 COUNCIL PRESIDENT ANDREWS:

21 OK. Thanks, Councilmember Elrich and Mr. Hardy. All right. Councilmember Floreen.

22
23 COUNCILMEMBER FLOREEN:

24 Thanks. I wanted to comment that the reason I liked the Planning Board recommendation
25 on this is because it actually feeds into what Mr. Elrich has been working on, on the BRT
26 stuff, and would be, actually, pressure on us to maintain good transit services. The issue
27 of this periodic review--I think it's something we would want to avoid by programming good
28 transit in areas where we have committed to it and committed to those kinds of projects
29 that are going through all these extra hoops. I don't know if it's going to happen, but it
30 seems like it's worth a shot. We already have all kinds of--you know, we're doing the CR
31 Zone, sort of. We're looking at the White Flint issues. There's going to be plenty of rules
32 and opportunities in Metro stations, I think, to advance what we want to see there. The
33 really--the issue is everywhere else, and I do think that what we want to do is to commit to
34 better bus service, to make sure it's provided in a long-term fashion. It's not unlike, to a
35 certain degree, what we're doing with the schools test here, which is identifying a problem
36 where there's a capacity issue and attempting to solve it. We're not making much progress
37 on the roads part of this solution here, but at least this would be a direction that we'd be
38 committing to with respect to transit. And I think that overall is something that we want to
39 see on all our systems, whether or not it's built into a PAMR test or whatever. Better,
40 reliable transit service is certainly something we should, you know, be adhering to, and I
41 commend Mr. Elrich for his work on this. We'll see what the reports say, but you got to



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1 have it, you got to commit to it, and you have to make it a reliable service, and then you
2 have to generate the ridership for it, as well, or at least make sure that the folks in the
3 community are able to benefit from it. So that's why I think it made sense, under the work
4 they're doing right now.

5
6 COUNCIL PRESIDENT ANDREWS:
7 Thank you.

8
9 ROYCE HANSON:

10 Mr. President, just to reinforce the comments that Councilmember Floreen made, there
11 are several things here that are reinforcing one another. One is to have a base level of
12 transit service to begin with that justifies using the density that's already provided in the
13 Master Plans in these areas. Secondly, by doing that, it increases the demand for public
14 transit, and by using the mitigation fee for transit, you begin to create a--a fund and a
15 commitment at least to help, with the idea that these are areas where transit service
16 should be enriched.

17
18 COUNCIL PRESIDENT ANDREWS:
19 Thank you, Mr.--thank you, Chairman Hanson. And are there any other comments on the
20 amendment that has been proposed? Councilmember Knapp.

21
22 COUNCILMEMBER KNAPP:

23 I would just add, partially on the amendment, partially on the conversation we had as to
24 when does this kind of determination take place, and one of the conversations we had as
25 it relates to schools was, we want to understand before or while we do our Capital Budget
26 what the impact of that Capital Budget will be on addressing school capacity--which,
27 presumably, if we do that, then when the Planning Board makes their certification once
28 we've concluded our budget, there shouldn't be any surprises unless the Council has
29 consciously chosen not to fund some school capacity project. It seems to me if we put this
30 kind of a process on the same cycle so that within--we have these policy areas and we
31 understand these criteria looking at transit service in these areas, that when the County
32 Executive makes a recommendation as to projects or Levels of Service, either within the
33 Capital Budget or the Operating Budget, we should understand the impact in these
34 particular policy areas so that then, when the Planning Board makes its certification as to
35 the right policy areas in July, we should know whether or not we have reduced service,
36 which then impacts these policy areas. And we've had this conversation that we want to
37 try to get transportation on kind of the same format as education, and this seems to me a
38 way to help us get that kind of queuing taken care of. So I'm not sure I necessarily want it--
39 I think we ought to get recommendations from the Executive as it relates to these policy
40 areas in--when Capital and Operating Budget recommendations come forward, so that we
41 should--we shouldn't be caught by surprise when the Planning Board makes its

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1 recommendations or makes its certification in July--"Oh, wait. We reduced Levels of
2 Service in these areas, and now we've got to change the policy area."

3
4 GLENN ORLIN:

5 One of the--the Council doesn't approve bus routes. You approve the budget for Ride On.
6 In fact, you approve the budget for the Mass Transit Fund, but at least within the budget,
7 there's a program for Ride On. What we always ask for is information about what routes
8 are being added, what routes are being subtracted from, et cetera, and we get that, but
9 the Executive isn't held to that. So, for example, if they have to make changes, which they
10 often do--they make 2 or 3 cuts a year--cut is a bad term. Sorry. What a cut means is a
11 change, not necessarily a cut. 3 changes a year, OK? There is a public hearing process
12 and all that, but that's not something the Council approves, and so in fact, there could be
13 changes that the Executive makes which will affect the boundaries which the Council is
14 totally out of the picture on. So if you do go forward with the option as proposed by the
15 Planning Board, they'll need to be understanding that when DOT--the Executive makes
16 changes to the bus service, that they're in very close contact with Park and Planning, and
17 they alert them as to when--as to what the changes are. Park and Planning will then figure
18 out how much these areas expand or contract, and they can, in their annual assessment--
19 again, you haven't talked about when you want to do this, but if it is an annual
20 assessment, they would take that into account.

21
22 COUNCILMEMBER KNAPP:

23 Well, except, the problem with that, though, Glenn, is that we're going to make
24 determinations on the budget which will have an impact there, and so the--

25
26 GLENN ORLIN:

27 Not directly, because--not directly. You will approve a budget for bus service, period. You
28 won't necessarily say--

29
30 COUNCILMEMBER KNAPP:

31 But we ought to understand if the budget that we're funding provides a Level of Service
32 which is going to keep those policy areas intact or if it's going to change them, because
33 that should be a conversation that our folks in the Executive branch and the Planning
34 Board are going to understand before they even send us that budget. So we should--so
35 we should not end up in situation like we saw last year with the school budget, because
36 that conversation didn't take place. We may not have the direct decisionmaking process
37 on the outcome, but we certainly ought to understand the implications of what the budget
38 does or doesn't mean.

39
40 GLENN ORLIN:

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1 You will have that based on what DOT can tell you at the time, but all I'm saying is they
2 have had the flexibility, and I think no one disagrees they shouldn't have the flexibility, to
3 have to make adjustments during the course of the year--there's 3 different times--to be
4 able to maximize the bus service that they have. And it might mean that one of the
5 changes they make affects the width, the breadth or width of these--these particular
6 areas. That's all--that's all I'm pointing out to you. It's not as clean as the CIP, where you
7 approve a CIP project.

8
9 EDGAR GONZALEZ:
10 Right.

11
12 GLENN ORLIN:
13 You approve it. It's there. You can base it on that. Bus service is a little spongier.

14
15 EDGAR GONZALEZ:
16 And for that reason--

17
18 COUNCILMEMBER KNAPP:
19 And that's exactly the problem. And we say, "Oh, well, we're not really sure who's
20 responsible, and it wasn't here, it wasn't there," which, as a result, ends you right back in
21 the situation where we had where schools are moving forward. We fund 100% of capacity
22 projects every year because we understand exactly what the ramifications are. Here we're
23 trying to actually set up the same level or degree of certainty, and you're saying, before
24 we even get out of the hopper, "Well, sorry. We really can't have that level of certainty."
25 Well, we can always beg off the question and not get it done.

26
27 GLENN ORLIN:
28 Don't overstate this. It's probably 99% certain, but there might be a case where the
29 change does happen.

30
31 COUNCIL PRESIDENT ANDREWS:
32 Just raising an issue. OK.

33
34 EDGAR GONZALEZ:
35 The--and the reason, or the reason why we supported the committee's recommendation--
36 and we just wanted clarification, see, because it was limited to the Metro Policy Areas and
37 Germantown Town Center.

38
39 GLENN ORLIN:
40 That was my recommendation. The committee's recommendation was for the Planning
41 Board's--

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1
2 EDGAR GONZALEZ:

3 Oh. Everywhere?
4

5 DAN HARDY:

6 Yeah. That's Mr. Berliner's amendment now.
7

8 EDGAR GONZALEZ:

9 OK. And there are issues--I want to point out, there are issues. There are union rules.
10 There are--the routes are assigned to people on the basis of seniority--who drives what,
11 you know. It gets very complicated when you--when you are trying to enforce something
12 that changes by union rules. Now we have to deal with the union contract. Now it
13 becomes a little too complex to be part of--of the--
14

15 COUNCIL PRESIDENT ANDREWS:

16 Well...all right. All right. We have a couple of other people who wish to speak on this.
17 Councilmember Navarro is next.
18

19 COUNCILMEMBER NAVARRO:

20 Basically, I just want to make sure that I have clarity on what's before us.
21

22 COUNCIL VICE PRESIDENT BERLINER:

23 Why should you have--why should you get some?
24

25 COUNCILMEMBER NAVARRO:

26 Good luck? Good luck to me. OK. So, basically, there is an amendment right now that
27 Councilmember Berliner has proposed to reduce the scope, and what the Planning Board--
28 -what I hear is that the reason why you proposed something a bit broader, and the
29 committee supported it, was because it would also include places like Kensington, that
30 has good bus service. So what you're trying to do is make it a little broader to capture
31 those areas that have robust bus service, for example, to incentivize.
32

33 ROLLIN STANLEY:

34 Correct. And as Dr. Hanson pointed out, in the case of the Kensington Master Plan, which
35 I think we've referred up, it has some sites, and--the mayor was here a minute ago. Has
36 some sites that could benefit from this and be right on, you know, a street with good bus
37 service.
38

39 COUNCILMEMBER NAVARRO:

40 OK. So my second--and--because here's my thing. I mean, I'm very interested in capturing
41 those types of situations, because I think whatever we can do to stimulate and to begin to

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1 get people to think about, you know, concentrating sort of on these areas first is great. But
2 the one piece that I think I heard Councilmember Berliner say he wanted to address was,
3 you know, to figure out a way to dedicate a percentage of the--you know, whatever it is,
4 the moneys that are available that we're gathering, to transit, versus just leaving it--

5
6 COUNCIL PRESIDENT ANDREWS:

7 That's a separate amendment. That's--that's next.

8
9 COUNCILMEMBER NAVARRO:

10 OK. That's what I wanted to know--where were we at this point? Got it.

11
12 COUNCIL PRESIDENT ANDREWS:

13 Yeah. That's not part of that.

14
15 COUNCILMEMBER NAVARRO:

16 OK.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you. OK. Councilmember Leventhal.

20
21 COUNCILMEMBER LEVENTHAL:

22 So the purpose of the Alternative Review Procedure is to simplify the PAMR process and
23 give another option that is easier to comply with and to incentivize those types of
24 development that fit with smart growth. And the choice--the choice between--that faces us
25 now is whether to adopt a simplified version of the simplified alternative, which is what Mr.
26 Berliner is suggesting, or to provide a wider incentive for more development to go into
27 those areas where we think it should go, even at the cost of making it more complex and
28 uncertain, which is what the Planning Board was proposing. So the--the boundaries would
29 be somewhat shifting of where the alternative could apply, based upon the headway of
30 buses, and the headway of buses is something--unless I misunderstood it--we're
31 decreasing, we're not increasing. We've been cutting bus routes, and we haven't been
32 adding bus routes, so the likelihood that areas that are not now served by 10-minute
33 headways, like White Oak, will soon be served by 10-minute headways, unless the budget
34 situation improves significantly, just isn't that great. We haven't been increasing bus
35 headways. For the last 3 years, we haven't been increasing bus headways anywhere in
36 Montgomery County.

37
38 EDGAR GONZALEZ:

39 That is correct, and I want to remind the Council that we don't have the ability to expand
40 our bus fleet because we don't have any place where to put them, and the place that we

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1 had selected for expansion is now in limbo. So, it is an issue that we have been dealing
2 with for the last 5 or 6 years.

3
4 COUNCILMEMBER LEVENTHAL:
5 In limbo in Clarksburg.

6
7 EDGAR GONZALEZ:
8 Yes, sir.

9
10 COUNCILMEMBER LEVENTHAL:
11 Yeah.

12
13 EDGAR GONZALEZ:
14 So--so our ability to expand bus service in the near future is very limited because we don't
15 have the capacity to put more buses any place.

16
17 COUNCILMEMBER LEVENTHAL:
18 Yeah. I didn't find your dialogue about union rules to be all that persuasive, because
19 presumably you could increase buses even if the most senior people got the most
20 desirable routes, but I understand--what I do understand, because I have been sitting on
21 the T&E Committee all these years, is we are not increasing bus headways anywhere in
22 the County.

23
24 EDGAR GONZALEZ:
25 Right.

26
27 ROYCE HANSON:
28 Just to answer--

29
30 EDGAR GONZALEZ:
31 Now we don't have the buses. We don't have the buses whatsoever.

32
33 ROYCE HANSON:
34 Just to answer Councilmember Leventhal's question directly, what we had recommended
35 was to provide a few additional places beyond the Metro Station Areas where the
36 Alternative Procedure would be available.

37
38 COUNCILMEMBER LEVENTHAL:
39 Yeah. So, you know what? I'm going to act like Mr. Berliner now, and I'm going to offer a
40 compromise to the compromise. Mr. Berliner has suggested that we conform the--the
41 Alternative Review Procedure to Metro Station Policy Areas plus Germantown. Would the

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1 chairman want to add Takoma/Langley? Would the chairman want to something else so at
2 least--it seems to me that if you're going to have an Alternative Review Procedure that is
3 an incentive not to elect PAMR, a big attraction--we all know PAMR is god-awfully
4 complicated. A big attraction of the Alternative Review Procedure is simplicity and clarity.
5 Right? So if Mr. Berliner is saying the Alternative Review Procedure would apply to Metro
6 Station Policy Areas plus Germantown, would he accept "plus Germantown, plus
7 Takoma/Langley, plus White Oak"? Or does the chairman have other suggestions? Why
8 don't we just spell it out, rather than having this amorphous, amoeba-like boundary that
9 we're not clear on exactly--and the development community is not going to be clear what
10 applies. Edgar is nodding his head yes. When I'm talking, that doesn't happen very often.
11 That's good.

12
13 EDGAR GONZALEZ:

14 Certainty--certainty is desirable on the part of the Executive branch, the developers, the
15 attorneys. Certainty is very important.

16
17 COUNCILMEMBER LEVENTHAL:

18 How about that? So could we do "Metro Station Policy Areas"--yeah, let's hear from the
19 chairman. Right.

20
21 ROYCE HANSON:

22 Well, this is a--is very quick, based on a 5-second consultation here.

23
24 COUNCILMEMBER LEVENTHAL:

25 Yeah. We're doing the same thing here.

26
27 ROYCE HANSON:

28 But based on what we know now, certainly, Kensington, Takoma/Langley. I think we'd
29 want to draw a boundary for the White Oak, as a possibility.

30
31 COUNCILMEMBER LEVENTHAL:

32 Yeah. OK. Good. So, we're only taking straw votes here today, and the gentlewoman from
33 District 5 had to leave for an urgent meeting, and I think she'll have some views on
34 Kensington. So maybe since we're only taking straw votes, if this were acceptable to
35 colleagues, would be if we could agree on the sense that we would clearly define--it would
36 be Metro Station Policy Area--It's like Facebook. Plus one, plus one, plus one. And then
37 the understanding is we'll work out between now and next week precisely the other areas
38 over and above those Metro Station Policy Areas--that we want to encourage the use of
39 the Alternative mechanism, but we understand that Germantown would be one, that
40 Takoma/Langley would be another, that White Oak--with boundaries yet to be determined--
41 --would be another, and Kensington, I'd like to leave--I'd like to--I'm not ready to vote for

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1 that just yet until we hear the views of Councilmember Ervin on that, but that's a possibility
2 as well.

3
4 COUNCIL PRESIDENT ANDREWS:
5 OK.

6
7 COUNCIL VICE PRESIDENT BERLINER:
8 And I would consider that to be a friendly amendment, subject to clarification over the
9 course of the next week with respect to that. I'd be fine with that.

10
11 COUNCIL PRESIDENT ANDREWS:
12 OK. Very good. Councilmember Floreen is next.

13
14 COUNCILMEMBER FLOREEN:

15 Well, my frustration with this whole experience is that as we try to solve problems, people
16 come up with reasons to say no. "You can't do this because we don't have enough
17 buses." "We can't do--we can't identify a road project because it takes too long." There's
18 always a reason not to get to a solution in this process. And I think that the more that we
19 identify objectives that we want to achieve, we will find a way to remind ourselves, in the
20 course of the budgetary experience, how those projects are necessary to achieve the
21 result that we've agreed upon. That is--Mr. Knapp alluded to that issue a little bit earlier in
22 this conversation. We can do that for schools. Why? Why cannot we do that for
23 transportation and transit? "The Executive can change the roads." Well, not if we've made
24 funding a certain route a priority and have created a process where that is clear. We have
25 got to start thinking differently about how we achieve these objectives. The rule isn't tests.
26 The solution isn't more tests. The solution is more transit and more transportation
27 capacity. And the only way we're going to get there is if we discipline ourselves to think
28 that way--in the budgetary process as much as this. This is really just a sideshow to the
29 real project, which is the budget, because that's where the solutions are identified. And
30 we're--we shy away from this over and over and over again in these Growth Policy
31 subdivision review conversations. But the real issue is solutions. That's why, again--where
32 do we want to see people? Where do we want to see jobs? We want to see that in the
33 eastern part of the County. Why not identify Route 29? I don't know what the--what the
34 headways are, and so I would have to defer to the powers-that-be to tell us where they
35 are. Shall we include Aspen Hill in this conversation? I don't know what the numbers are,
36 but I'm happy to have staff come back to us with a range of locations where we believe
37 that's achievable, and then we will commit to it in terms of funding priorities, in terms of the
38 budget, and in terms of the language that we need to continue to adhere to, to make sure
39 that that's delivered in a predictable fashion. That's the object of this--this effort--to find
40 solutions. So, this is a first step to get to that, and I think that we've had some good
41 suggestions here as to how we might get to it. But again, it is only the prelude to actually

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1 doing something, and the doing something is the funding part--identifying our priorities
2 and budgeting for them. So that's what continues to frustrate me about this effort. As
3 much as we enjoy talking about the different tests, from the community's perspective, they
4 honestly want to see us commit to reliable bus service. They honestly want us to see--to
5 commit to what we agreed to commit to on the roadway front. Let's be clear. There are
6 consequences to actions, and the consequence to these actions is a commitment to
7 actually fund this stuff and prioritize it amongst the many competing issues out there. We
8 have done that for schools, and that's a great thing. We're--I think we're all good with it
9 here. Let's do it for transportation, as well. And that's why these kinds of approaches will
10 help us discipline ourselves, I think, to funding what we--what is required based upon
11 whatever test we come up with. The test is only a means to get to a solution.

12
13 ROYCE HANSON:
14 We had--

15
16 COUNCILMEMBER FLOREEN:

17 So let's--I have to say, Mr. Hanson, Mr. Gonzalez, I want to see the specifics. I want to
18 see, what do we need to commit to in all this? We--let's do that. This is not about
19 mitigating things. It's about solving problems in all of this. And the money to be achieved,
20 if there's any to be had out there, it should be directed toward real solutions that our
21 people will see. So, again, what we need as we work through these issues, in the budget,
22 it needs to be a key element of our conversation. Not academic, saying, "Oh, it's hard.
23 You know? We need the..." I'm still thinking of that Anacostia Rail Line as a solution--as a
24 necessary element to solving our mitigation needs, but the real issue for any of these
25 tests, and this kind of solution as well, is to get us to yes, and the yes part is our
26 agreement that we're going to fund this stuff. So, we need the specifics as we do the
27 budget, and we'll be having a meeting on this shortly to gear up.

28
29 ROYCE HANSON:

30 We had--we had mapped the areas with 15-minute service, and the maps that you have in
31 the packet now are 10-minute service.

32
33 COUNCILMEMBER ANDREWS:
34 Ok.

35
36 COUNCILMEMBER FLOREEN:

37 Yeah. And that's good. But the real issue is making sure that that continues to be the
38 case.

39
40 COUNCIL PRESIDENT ANDREWS:

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1 All right. We have a couple more lights. So what we have before us now is, in effect, a
2 motion to express a sense of the Council to have a more specific proposal circulated in
3 the next few days that would define the Metro Station--would have the Metro Station
4 Policy Areas, Germantown Town Center, White Oak, Takoma/Langley, and Kensington.

5
6 COUNCILMEMBER NAVARRO:
7 Glenmont.

8
9 COUNCIL PRESIDENT ANDREWS:
10 Right. So--

11
12 COUNCILMEMBER FLOREEN:
13 Specific locations with the 10-minute.

14
15 COUNCIL PRESIDENT ANDREWS:
16 So--

17
18 COUNCILMEMBER LEVENTHAL:
19 Glenmont has already got a Metro station.

20
21 COUNCIL PRESIDENT ANDREWS:
22 All right. So there's--so that's where we are right now. We've got a couple more
23 Councilmembers who want to speak on this--Councilmember Elrich and then
24 Councilmember Navarro.

25
26 COUNCILMEMBER ELRICH:
27 I think we've got to avoid taking the Christmas tree approach to this. My concern is, you
28 know, partly that we're going to spread ourselves way too thin and not have money to do
29 anything. I mean, none of these things are going to be totally internally self-financing in
30 terms of infrastructure. The beauty of the Metro Station Policy Areas, I thought, was that
31 these were supposed to be the targets for the real smart growth and the real
32 development. Then--you know, so we start out saying this is what we want to do, and then
33 we start dispersing it all over the place, creating for ourselves, you know, multiples of
34 multiple obligations that we're going to have a difficult time meeting. I think if, you know--
35 Nancy wanted to have a vote of all of us and say do we have a will or desire to fund all
36 this stuff, everybody would say yeah, and then if you said when, we would all break down
37 over the dates, because what you're asking for is, you know, pretty far beyond the scope
38 of where we are realistically in the Capital Budget, and if, you know, we're not only going
39 to have to say, if we do this, you have to start assigning times to when you're going to do
40 it. You know, we have to prioritize what comes first, and, you know, is it--is it White Flint
41 that's the most important thing that's going to gobble up how many millions, billions of



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1 dollars? Is it Gaithersburg West, which is going to gobble up \$1.3 billion? What about the
2 \$7 billion that are on our waiting list? I mean, we're up to over \$8.3 billion, and I don't
3 know where that comes from out of our budget, and is this Council going to decide which
4 of these areas is a priority area? So I would rather maintain a focus on--on priority areas
5 and make sure that we get the resources into them than spread ourselves far too thin.
6 And I'm concerned in places--you know, as I said before, in Kensington and White Oak. I
7 mean, I remember the--I thought I remember the discussion about a White Oak Transit
8 Center, and I don't recall it being on the scale of the Purple Line Transit Center. I mean,
9 just putting a bus and a couple of bus bays there doesn't make a transit center. I mean,
10 there are transit centers, and then there are transit centers. And I remember when we did
11 a ZTA--I forget who it was for, and we decided we were going to call something a transit
12 center, and some of the discussion was, how far were we going to spread the discussion
13 of "transit center"? Because it begins to lose its meaning if it's just like, you know, an
14 elongated bus bay where a bunch of buses pull up, and there's not very many, then you
15 don't really have a full transit center. So, I mean, I think we ought to have a clearer
16 definition of what we mean when we say we're doing this next to a transit center. We
17 ought to have a much clearer definition of capacity, because it doesn't make any sense to
18 decide on areas of priority based on 10-minute headways if it's 6 buses an hour. You
19 know, 6 buses an hour, and they're, what, 60-passenger buses, is 360 people if everybody
20 got on and got off there and wasn't stopping at that transit center and going someplace
21 else. That's not capacity for very much. And so, without knowing what our real capacity is--
22 just to say, oh, we're doing this at a transit center--I think is a mistake. I would much
23 rather see us be more focused on what we're doing.

24
25 COUNCIL PRESIDENT ANDREWS:

26 Thank you, Councilmember Elrich. Councilmember Navarro.

27
28 COUNCILMEMBER NAVARRO:

29 I'm in support of this amendment. Of course, would like to know then, are we going to
30 work directly with Councilmember Leventhal and Councilmember Berliner in terms of
31 some areas to consider? Is that the process? Staff? We will talk to staff? We will talk to
32 Planning Board? Who...

33
34 GLENN ORLIN:

35 What I would--well, what I would recommend doing is, first I talk to Planning staff and to
36 DOT staff right after the meeting, or very shortly, and try to identify those areas which
37 have superior transit--bus service, high levels, very high levels of bus service and then--
38 and then put them out as a menu, essentially circulate that, and see if there's interest
39 amongst Councilmembers for those particular areas.

40
41 COUNCILMEMBER NAVARRO:

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1 And just very quick--

2
3 GLENN ORLIN:

4 The advantage--I believe it's true with Takoma/Langlely, for example, there is a Sector
5 Plan boundary, so there is a ready boundary you could adopt. We'd still want to include it
6 in the resolution, but that's ready to--you could adopt. I think it's also true with Kensington,
7 if that ends up being one of them. There's a Kensington Sector Plan boundary. The
8 hesitance I think you heard from the chairman about White Oak is, there is no White Oak
9 Sector Plan boundary. It's a new thing created out of whole cloth.

10
11 COUNCIL PRESIDENT ANDREWS:

12 OK.

13
14 ROLLIN STANLEY:

15 If I may add, Council President, we'd also endeavor to see if we could find out from DOT if
16 they have some of the bus routes from 3 years ago, 6 years ago, to throw that in to show
17 that there's been--where there's consistency and know they're not just getting yanked all
18 over the place, that there's some consistency in the routing. I'll try and find that out, too.

19
20 COUNCILMEMBER NAVARRO:

21 OK. And I just, very quickly--because I know it's getting late--I mean, I think that most of
22 the points that have been expressed thus far by most of my colleagues are not exclusive--
23 are not mutually exclusive. I do believe that we have to prioritize the funding. I also think
24 that there are some areas--and, you know, I know that my district has been referenced, or
25 the eastern part of the County, that it's kind of the Catch-22, right? So, you know, we have
26 FDA coming. What do we do to try to, you know, somehow accommodate the fact that
27 we're going to have all these people coming in, but perhaps there's not a lot of support
28 services there yet, or amenities, et cetera, to attract them to live there, so they don't get in
29 their cars all the time. So it's that Catch-22 of, you know, what are some other opportunity
30 spots? You know, the Route 29 corridor--all these that we can send a message that we're
31 interested in beginning to open up that balance, and I think that's where it doesn't become
32 a perfect conversation, because if we're just going to strictly wait until everything is perfect
33 in terms of transit infrastructure, then we're also going to be--always going to be talking
34 about the imbalance of jobs and, you know, and housing, et cetera. So I guess what I'm
35 interested is to see how we can open the doors in some spots like that while also being
36 realistic that we do have some great projects that I think do conform to the concept of
37 smart growth that we should be prioritizing as we move forward. And we're not going to
38 solve all the world's problems with this particular vote, but I do appreciate Councilmember
39 Berliner and Leventhal for working out yet another compromise.

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 So where I think we've ended up is that we are--that the intention of the friendly
2 amendment is to expand beyond Metro Station Policy Areas and Germantown, but to do
3 so very discretely--that what we had before us was a very broad proposition which would
4 have applied in places that many of us were not comfortable with, notwithstanding the
5 intention behind this, and so that the objective of Councilmember Leventhal is to say, well,
6 there are particular areas that perhaps we could get comfortable with. And so our
7 discernment process that Dr. Orlin will kick off with us is to--again, to be able to identify
8 very specific areas that have a very high-quality transit function today but that is
9 significantly less than that which was included in the Planning Board's recommendation
10 and that which came out of the PHED Committee's recommendation. So, with that
11 understanding, I'm very comfortable with that approach.

12
13 COUNCIL PRESIDENT ANDREWS:

14 OK. Very good. So that will--that's what we will do, and we will have Dr. Orlin circulate,
15 with Councilmember Leventhal and Council Vice President Berliner, some proposals to
16 the Council for consideration, and we'll come back and vote on it next week. OK. Do you
17 have another amendment?

18
19 COUNCIL VICE PRESIDENT BERLINER:

20 So that the last piece of it was the conversation with respect to whether--the distinction
21 between transit and transportation, and I guess my personal view, again, is that we have
22 had so underfunded transit. I have had informal conversations with my colleagues, and I
23 was wondering whether, again, common ground we might be able to find with respect to
24 having of the 75% of the dollars that are left, 25%, in effect, we are giving as a discount to
25 the developer in this Alternative Review Process, which is the heart of the incentive that
26 we're giving to the developer, getting 25% less dollars.

27
28 MICHAEL FADEN:

29 Actually, just for the record, the heart of it is that 25% plus, if you're in a Metro Station
30 Policy Area, a 50% discount in your impact tax, under the Impact Tax Law, which is the
31 huger part of the incentive.

32
33 DAN HARDY:

34 That's part of the Alternative Review Procedure.

35
36 COUNCIL VICE PRESIDENT BERLINER:

37 I don't believe--

38
39 MICHAEL FADEN:

40 Because it's an Alternate Review Procedure. Unless you amend the Impact Tax Law.

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1 DAN HARDY:

2 There's already an Alternative Review Procedure that lets you take advantage of that.
3 Your current impact taxes are already lower in a Metro Station Policy Area, even under
4 the regular LATR.

6 MICHAEL FADEN:

7 This would cut them 50% more.

9 DAN HARDY:

10 That's not what we had--

12 COUNCIL VICE PRESIDENT BERLINER:

13 That was not what they intended. That was the first time I've ever even heard that part of
14 the conversation.

16 MICHAEL FADEN:

17 Well, then, you need to change the Impact Tax Law to make that not happen.

19 COUNCIL VICE PRESIDENT BERLINER:

20 All right. Maybe we could--you could follow up, because no one has ever said that
21 previously.

23 DAN HARDY:

24 I think we just need to clarify that since there is only one Alternative Review Procedure
25 now, that this second Alternative Review Procedure does not apply for that, too.

27 MICHAEL FADEN:

28 What we'll need to do is basically call it something other than an Alternative Review
29 Procedure to avoid that result.

31 COUNCIL VICE PRESIDENT BERLINER:

32 OK. We'll come up with a new name.

34 COUNCIL PRESIDENT ANDREWS:

35 All right. There you go.

37 COUNCIL VICE PRESIDENT BERLINER:

38 But the conversation had been, with respect to that which was left--that is, the 75% of the
39 dollars that are left--how should we allocate those between, quote, transit and
40 transportation? There is--my suggestion, if my colleagues would be open to this, would be
41 to require that 50% of the dollar--50% of the--I'm sorry. Two-thirds of the dollars go to

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1 transit and one-third be available for transportation. That should solve the issues with
2 respect to bicycles, that should solve the issues with respect to others, and it would
3 reinforce the notion that our first priority should be transit. So from my perspective, that is
4 a fair middle ground between a transit-only and a transportation--

5
6 GLENN ORLIN:

7 May I ask a clarification?

8
9 COUNCIL VICE PRESIDENT BERLINER:

10 Yes, sir.

11
12 GLENN ORLIN:

13 So in other words, the 2,750 that earlier--in the Planning Board's proposal was going to go
14 to affordable housing would go to transportation.

15
16 COUNCIL VICE PRESIDENT BERLINER:

17 That could go to transportation, and there would be discretion within that transportation for
18 it to go to transit.

19
20 GLENN ORLIN:

21 Well, that was my second question.

22
23 COUNCIL VICE PRESIDENT BERLINER:

24 Yes.

25
26 GLENN ORLIN:

27 OK.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 So they could still give some portion of that--

31
32 GLENN ORLIN:

33 A max--a way of looking at it is a maximum of 2,750 could go to things--

34
35 COUNCIL VICE PRESIDENT BERLINER:

36 Other than transit.

37
38 GLENN ORLIN:

39 To transportation other than transit.

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 Yes.
2
3 COUNCILMEMBER NAVARRO:
4 Second.
5
6 COUNCIL PRESIDENT ANDREWS:
7 OK. All right. So does everybody understand the motion?
8
9 COUNCILMEMBER ELRICH:
10 Is that a maximum of one-third?
11
12 COUNCIL PRESIDENT ANDREWS:
13 We'll have the--we'll repeat it. Is that close enough?
14
15 COUNCILMEMBER ELRICH:
16 Roger, is that maximum of one-third?
17
18 COUNCIL VICE PRESIDENT BERLINER:
19 Yes, to transportation. A maximum. And two-thirds--
20
21 COUNCILMEMBER ELRICH:
22 So more could go to transit, but no less than two-thirds?
23
24 COUNCIL VICE PRESIDENT BERLINER:
25 Yes. Exactly.
26
27 COUNCILMEMBER ELRICH:
28 OK.
29
30 COUNCIL PRESIDENT ANDREWS:
31 And I would--I would describe it as, you know, transit and then transportation that--other
32 than transit. Because transit, of course, it's--
33
34 GLENN ORLIN:
35 Well, no. That's what--Mr. Berliner transportation, which includes--could include transit. So
36 Mr. Elrich, I think, said it right, which is that of the 5,500 only for transit, the 2,750 for
37 anything transportation. It partly or even entirely could be transit, or it could be entirely
38 sidewalks, bikeways, or even road improvements.
39
40 COUNCIL VICE PRESIDENT BERLINER:
41 That's right.

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1
2 COUNCIL PRESIDENT ANDREWS:

3 Got it. OK. All right. So that's the motion by Council Vice President Berliner. It's been
4 seconded by Councilmember Navarro. Is there any discussion on the motion? All right.

5
6 EDGAR GONZALEZ:

7 Well...

8
9 COUNCIL PRESIDENT ANDREWS:

10 OK. All right. There is an objection. I hear an objection from--

11
12 EDGAR GONZALEZ:

13 There is no objection to what the Council does. There are points of clarification.

14
15 COUNCIL PRESIDENT ANDREWS:

16 OK. Go ahead.

17
18 EDGAR GONZALEZ:

19 There are--there are issues. I mean, the reason why we wanted "transportation" is the fact
20 that it gives flexibility to all of you as well as the County Executive. Is a sidewalk leading to
21 a bus stop transit? Is a bikeway transit? Is van-pooling? Is travel-demand management
22 setups that we have, and paying for staff, transit? It's nebulous. Again, I want to say again,
23 we cannot expand our bus fleet. We have no room. And I want to tell you that there are
24 several--several places--several policy areas that you have your discussion in which there
25 are significant expenditures of money for roads that--I don't know where you're going to
26 fund them if you don't allow some of the money to go for the roads. I mean, take White
27 Flint, take Germantown Center, take all of the--all of the areas where you have acted
28 recently will include billions of dollars that we don't have. And so if you want to buy buses,
29 where are you going to put them? You don't have a space.

30
31 COUNCIL PRESIDENT ANDREWS:

32 OK. Do we have a--we're going to need to have what is considered, under--under the
33 rubric of transit, defined. So, Dr. Orlin will put together a list for that. It seems like there is
34 general support, though, for this approach. So if you will, Dr. Orlin, flesh that out, and we
35 can circulate specific language, as on the other measure, and we'll come back and vote
36 on that next week. OK.

37
38 GLENN ORLIN:

39 OK.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 All right. Anything else on Item 3?

2
3 COUNCILMEMBER FLOREEN:

4 A few more things.

5
6 COUNCIL PRESIDENT ANDREWS:

7 OK, we have a few more, but we may--I think we've dealt with the most complicated one.

8
9 GLENN ORLIN:

10 Items 4 and 5, there are--there are no committee recommendations. They came up
11 subsequent to that, so you'll need a motion and a second if you want to go forward with
12 them. Option 4 is another one that came out of Mr. Berliner's conversations with
13 stakeholders, which is that--would allow Local Area Transportation Review improvements
14 to be a credit against PAMR mitigation. And that--we have a letter in the earlier packet
15 from last week, from the Chair, recommending that, as well.

16
17 COUNCILMEMBER KNAPP:

18 It didn't come to committee.

19
20 COUNCILMEMBER ELRICH:

21 It didn't come to committee.

22
23 EDGAR GONZALEZ:

24 And...

25
26 COUNCILMEMBER KNAPP:

27 I'm just looking down to see--that a no, you don't like it, or a that's a no, it didn't come to
28 committee? OK.

29
30 COUNCILMEMBER ELRICH:

31 No, it didn't come to committee, and no, I don't like it.

32
33 COUNCILMEMBER KNAPP:

34 OK.

35
36 COUNCILMEMBER FLOREEN:

37 OK.

38
39 COUNCILMEMBER KNAPP:

40 OK. 2-1 committee recommendation.

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1 GLENN ORLIN:

2 Oh. All right.

4 COUNCIL PRESIDENT ANDREWS:

5 OK. So...

7 EDGAR GONZALEZ:

8 Should--should I tell the Council?

10 COUNCIL PRESIDENT ANDREWS:

11 Yes. Let's talk about this.

13 EDGAR GONZALEZ:

14 That the improvements to intersections in any area are already creditable--are Impact tax
15 credits. So that's something that you should take into account.

17 GLENN ORLIN:

18 This is not Impact Tax. This is--this is whether or not you count--something you have to do
19 for the Local Area Review, does that also count for Policy Area Mobility Review? So--if, in
20 fact, it does improve mobility. Right now, it doesn't count.

22 COUNCILMEMBER ELRICH:

23 Isn't he saying you're going to count it against both taxes you pay?

25 GLENN ORLIN:

26 That's a different question.

28 EDGAR GONZALEZ:

29 Yes. You are.

31 COUNCILMEMBER ELRICH:

32 Wait a minute. If--

34 MICHAEL FADEN:

35 You would anyway.

37 GLENN ORLIN:

38 You would anyway. It's a different question. Yes, any transportation improvement that
39 adds capacity is creditable against the Impact Tax, but we're not even talking about
40 Impact Taxes today.

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1 COUNCILMEMBER ELRICH:

2 Because we're not talking about it doesn't make it not relevant. I mean--I mean, if we
3 would have collected money. We've got money coming in from Impact Tax, we've got
4 money coming in from here, and then you're giving a credit against the Impact Tax for this
5 work...They've already gotten their credit back for doing it, so you're giving them \$2.00
6 back for every dollar they do. Right? Why would we do that?

8 GLENN ORLIN:

9 No.

11 DAN HARDY:

12 You're not crediting twice. The point is, if they build a capacity improvement, they can get
13 credit against the test, because they're mitigating their problem, and then they can get a
14 cash credit from the Impact Tax payment. All this is saying is--it's not changing the Impact
15 Tax payment at all. It's simply saying, if they're doing an intersection improvement to solve
16 LATR, that can also be credited against the test of Policy Area Mobility Review. That's
17 bringing it to be consistent with what we do already on link improvements. If someone
18 builds a segment of street, that helps them with LATR. That is credited toward PAMR. And
19 if someone builds an off-site sidewalk, that can be credited toward both LATR and PAMR.
20 So what we have not had before this year is the \$11,000 equivalency to bring
21 intersections in line with road segments and sidewalks.

23 COUNCILMEMBER ELRICH:

24 Are we talking about money on both of these things?

26 DAN HARDY:

27 Well, again, on--

29 COUNCILMEMBER ELRICH:

30 I mean, crediting against a test and crediting against money are 2 different things.

32 DAN HARDY:

33 We're using money to define the amount of capacity to be provided. That's--the \$11,000 is
34 saying, what is it that there--what's the value of the mitigation to be done? Then it's a
35 separate issue in terms of if they provide capacity; you get an Impact Tax credit,
36 regardless of whether that capacity was provided to satisfy one test or both tests.

38 COUNCILMEMBER ELRICH:

39 Still sounds like you're counting it twice.

41 COUNCIL PRESIDENT ANDREWS:

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1 All right. Any other comments on this--this measure? All right. There seems to be support
2 for it, so we will move on now to Item 5.

3
4 GLENN ORLIN:

5 Again, this is the other one--another one which does not have a committee
6 recommendation. It came up subsequent based on a committee discussion. Staff's
7 recommendation is to change the transportation test--this is for both Local Area Review
8 and Policy Review--to count 6 years' worth of capacity versus 4, to put, essentially, the
9 comparison more in line with the school test in terms of...

10
11 COUNCIL PRESIDENT ANDREWS:

12 OK. All right.

13
14 GLENN ORLIN:

15 By the way, and this will have no effect on the--on the mitigation results in the chart you
16 approved earlier, because as of right now, at least, there's no project that you could count
17 within 6 years that isn't already being counted within 4, but it can make a difference--
18 probably will make a difference--in the next CIP in July.

19
20 COUNCIL PRESIDENT ANDREWS:

21 OK. All right. Well, that takes us up to Policy Area boundaries, right?

22
23 GLENN ORLIN:

24 Did they--

25
26 COUNCIL PRESIDENT ANDREWS:

27 OK. The end is in sight.

28
29 COUNCILMEMBER FLOREEN:

30 You can do it.

31
32 COUNCIL PRESIDENT ANDREWS:

33 OK.

34
35 GLENN ORLIN:

36 The first one is almost mechanical. Every 2 years, the Planning Board changes the
37 Rockville and Gaithersburg city boundaries to more conform with the municipal
38 boundaries as they now exist, and the committee unanimously agrees with that.

39
40 COUNCIL PRESIDENT ANDREWS:

41 OK. I don't see anyone disagreeing. OK.

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1
2 GLENN ORLIN:

3 The Twinbrook and Germantown Town Center Policy Areas--in the last year, the Council
4 approved Sector Plan changes to both those areas, and at both times, you indicated that
5 you wanted to have the Growth Policy boundaries conform with that, and so this now
6 would do that.

7
8 COUNCIL PRESIDENT ANDREWS:

9 OK. Everyone seems OK with that.

10
11 GLENN ORLIN:

12 OK. The next one was a split. White Flint Policy Area--Councilmembers Knapp and
13 Floreen recommended adjusting its boundary, the White Flint Policy Area boundary, to
14 match the Sector Plan boundary. Mr. Elrich does not, and the alternative would be not to
15 do this now--take it up as part of a subsequent Growth Policy amendment, either
16 concurrent with or after the White Flint plan is adopted.

17
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Council Vice President Berliner.

20
21 COUNCIL VICE PRESIDENT BERLINER:

22 And I will move that alternative. I believe it would serve us better to consider this in the
23 context of the White Flint plan--very easy to address this when we do the White Flint plan,
24 and to have the amendment that Dr. Orlin suggested, I think it creates confusion for the
25 public with respect to adopting this now. I think that they would perceive that we are
26 prejudging certain things that I think that--we may end up getting there at the end, but how
27 we get there and the timing and the process of getting there I think is important, and I
28 would not want to prejudge this issue at this moment in time. And so I would ask my
29 colleagues to defer definitive conclusion with respect to this until we deal with White Flint.

30
31 COUNCIL PRESIDENT ANDREWS:

32 OK. So--are there any other comments on this measure? OK.

33
34 COUNCILMEMBER ELRICH:

35 Agreed.

36
37 COUNCIL PRESIDENT ANDREWS:

38 Agreed. OK. I'm sympathetic to it as well. I don't know what the views are of our--our 2
39 colleagues who had to leave, so are there--I think what we'll do is, we'll come back--

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 Does the chairman feel strongly on this?

2
3 COUNCILMEMBER KNAPP:

4 I don't feel strongly.

5
6 COUNCIL PRESIDENT ANDREWS:

7 You don't feel strongly?

8
9 COUNCIL VICE PRESIDENT BERLINER:

10 What not just do it when you do White Flint?

11
12 COUNCIL PRESIDENT ANDREWS:

13 Chairman Knapp.

14
15 COUNCILMEMBER KNAPP:

16 No, the only issue I have is we're going to take up the White--we're going to take up the
17 Sector Plan, which already has the boundaries, and so to have 2 discussions with 2
18 separate sets of boundaries just don't make a lot of sense to me. It just seemed, from a
19 consistency's perspective, to have the boundaries be the boundaries. Just made sense for
20 us to have the conversation, as opposed to having a set of boundaries as it relates to the
21 policy area, which is somehow different than what the Sector Plan is looking at--it just--
22 that seemed to be out of synch.

23
24 GLENN ORLIN:

25 I need to add, the--if the alternative assumes also that the boundary for White Flint--again,
26 this is the alternative Mr. Berliner is recommending--would go back to what the boundary
27 was in 2007 and prior, because we made a mistake 2 years ago. We put the wrong map.

28
29 COUNCIL VICE PRESIDENT BERLINER?????:

30 Whatever the correct--the right one.

31
32 GLENN ORLIN:

33 Which is much smaller than the current--than the Sector Plan boundary area.

34
35 ROYCE HANSON:

36 If I could just come on, Mr. President.

37
38 COUNCIL PRESIDENT ANDREWS:

39 Yeah. Chairman Hanson.

40
41 ROYCE HANSON:

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1 Almost whatever you do to White Flint when you're dealing with the Sector Plan, the--the
2 odds on changing the Sector Plan boundary, I'm guessing, are extraordinarily small. The
3 pre-2009 boundary is unrealistic.

4
5 GLENN ORLIN:
6 2007.

7
8 ROYCE HANSON:
9 Yeah. The 2007 boundary is quite truncated. It really doesn't include what is generally
10 accepted as the White Flint area. It's just a piece of it. So while I can understand the
11 notion that since you're engaged in adopting the Sector Plan, that you--you technically
12 don't know what the boundary will be, I would suggest to you that in a realistic sense, we
13 do know what the boundary is and how it's going to work.

14
15 COUNCIL PRESIDENT ANDREWS:
16 OK. Mr. Gonzalez.

17
18 EDGAR GONZALEZ:
19 On the Executive side of this issue, we just would like consistency between number 3 and
20 number 5. If you--number 3 is White Flint. Number 5 is Life Sciences. Whatever you do for
21 one, we recommend--urge--you to do the same for the other.

22
23 ROYCE HANSON:
24 And we are proposing an Emersonian approach to that question.

25
26 COUNCIL PRESIDENT ANDREWS:
27 Emersonian. OK. All right.

28
29 COUNCIL VICE PRESIDENT BERLINER:
30 It's getting late for that.

31
32 COUNCILMEMBER KNAPP?????:
33 I've sacrificed way too many brain cells.

34
35 COUNCIL PRESIDENT ANDREWS:
36 Yeah. Yeah. Have to figure that one out. Would that--would an Emersonian approach be
37 Solomonic or...Maybe not. Maybe not. I guess it would be more like--all right. All right. You
38 know, I think--

39
40 ROYCE HANSON:
41 You have to allow me a classical allusion from time to time.

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1
2 COUNCIL PRESIDENT ANDREWS:

3 Yeah. OK. All right. Well, I think we're just going to--we'll resolve that between now and
4 next Tuesday. All right? We've got 2 other things we've got to resolve. Let's add that to it,
5 and we'll have the benefit of what our 2 other colleagues think about it, as well. OK. I think
6 the other measures here are going to likely be--

7
8 GLENN ORLIN:

9 Can I add--Mr. Faden reminded me that one of the other committee recommendations
10 there was no disagreement about was that the carve-out of White Flint should not be part
11 of the Growth Policy, either. That's something that should be just discussed as part of this
12 Growth Policy Amendment. I'm going to run through the others really very quickly, I think.

13
14 COUNCIL PRESIDENT ANDREWS:

15 OK. Go ahead.

16
17 GLENN ORLIN:

18 The Germantown Town Center--the idea of combining Germantown East and West is
19 something the committee recommends not doing.

20
21 COUNCIL PRESIDENT ANDREWS:

22 OK. There's no objection up here.

23
24 GLENN ORLIN:

25 The Life Science Center Policy Area is also a recommendation the committee
26 recommends not doing. In other words, keep the entire area as part of the R&D Policy
27 Area.

28
29 COUNCIL PRESIDENT ANDREWS:

30 OK.

31
32 GLENN ORLIN:

33 Then this is where you go to the addendum. What would a Growth Policy be without an--a
34 Robins amendment? Mr. Robins has actually brought this up before verbally, but we just
35 have a letter from him, actually coming yesterday. He's making the point that the Rickman
36 property, which is on circle--if you look at the map, on circle 4 of the addendum.

37
38 COUNCIL PRESIDENT ANDREWS?????:

39 Yeah. Here it is.

40
41 GLENN ORLIN:

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1 The lower left. That property actually sits half in the R&D Policy Area--the upper half--and
2 the lower half sits in the North Potomac Policy Area. And the proposal from Mr. Robins is
3 that all of it is--well, actually the proposal from the Planning Board, but it's in the Planning
4 Board's recommendation for the Gaithersburg West Master Plan---is that this entire
5 property be included in the R&D Village Policy Area. And so I'm recommending that, as
6 well. The Critical Lane Volume standard for both R&D and North Potomac is the same
7 anyway. It's really more a matter of the Planning Board recommends it.

8
9 COUNCIL PRESIDENT ANDREWS:

10 All right. I don't see any objections, so Council supports that.

11
12 GLENN ORLIN:

13 The--finally, in the middle of page 6, the Planning Board noted in the draft, final draft, that
14 they would be adjusting the residential trip generation rates in Metro Station Policy Areas--
15 adjusting them down based on recent surveys. The committee unanimously agreed that
16 this is a good idea, but should be included in the PAMR/LATR guidelines.

17
18 COUNCIL PRESIDENT ANDREWS:

19 OK. There's no objection.

20
21 GLENN ORLIN:

22 The committee unanimously recommended not transferring capacity for trips from an
23 approved subdivision to an unapproved subdivision within a Metro Station Policy Area
24 within that larger policy area.

25
26 COUNCIL PRESIDENT ANDREWS:

27 All right. There's no objection to that, either.

28
29 GLENN ORLIN:

30 And finally, the committee unanimously recommends not exempting hospitals from PAMR
31 and Local Area Review.

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK. No objection there, either. So there--I think there are 3 follow-up items--the
35 boundaries of the White Flint Policy Area, the language on the MSAs, and identified--

36
37 GLENN ORLIN:

38 One more thing. And we said this last time, but I just want to you--this is your straw vote
39 session. The effective date of the Growth Policy would be January 1, with the exception of
40 the provision on the mid-level--the mid-cycle adjustment, or assessment, for the school
41 test, which would be effective when you adopt the Growth Policy.

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1
2 COUNCIL PRESIDENT ANDREWS:
3 OK. No objection to that, either, so...All right. Thank you all. That concludes the
4 worksession, and we'll be working in between now and next Tuesday to work out the
5 remaining issues. Thanks, everybody.
6
7 COUNCIL VICE PRESIDENT BERLINER:
8 Thank you.
9
10 COUNCILMEMBER KNAPP:
11 Thank you.
12